

AGENDA
August 8, 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:

- Notice of Public Hearing from the Monmouth County Division of Transportation to be held on 8/17/23 regarding their grant applications.
- Four Notices from New Jersey Natural Gas regarding hearings, to be held on August 23, 2023, concerning their filings for cost recovery associated with Energy Efficiency Programs,

ANNOUNCEMENTS:

Beach Illumination will be held on Sunday August 20, 2023, from 5pm to 9pm.

ORDINANCES – FINAL READING - None

ORDINANCES – FIRST READING

ORDINANCE #2023-11 First Reading

Offered By: Seconded By:

ORDINANCE NO.: 2023-11

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER IX (BUILDING & HOUSING), SECTION 3.7
(BRUSH, HEDGES AND OTHER PLANTS) OF THE
MUNICIPAL CODE OF THE BOROUGH OF
ALLENHURST.**

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

ORDINANCE #2023-13 First Reading

Offered By:

Seconded By:

**ORDINANCE NO.: 2023-13
AN ORDINANCE VACATING CHAPTER VII, SECTION 17
c ('7-17 c) OF THE PARKING ORDINANCES OF THE
BOROUGH OF ALLENHURST.**

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

ORDINANCE #2023-13 First Reading

Offered By:

Seconded By:

**ORDINANCE 2023-14
AN ORDINANCE REVISING THE PARKING ORDINANCES OF THE BOROUGH OF
ALLENHURST.**

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

CONSENT AGENDA

- Res. #2023-166 Ratify and Approve Minutes.**
- Res. #2023-167 Dispense with Reading of Minutes**
- Res. #2023-168 Approve Audit**
- Res. #2023-169 Approve Race - RunAPalooza**
- Res. #2023-170 Award Contract for New HVAC at Fire House**
- Res. #2023-171 Hire Seasonal Employees**
- Res. #2023-172 Approve EMS Member – Mandalaoui**
- Res. #2023-173 Approve Executive Session**

Consent Agenda Offered By:

Seconded By:

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

Res. #2023-174 Approve Bills (7-26-2023 to 8-8-2023).

Offered By:

Seconded By:.,

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

ITEMS FOR DISCUSSION: Discussion about potential improvements to our current fire, police, & EMS dispatch system

OPEN PUBLIC HEARING:

CLOSE PUBLIC HEARING:

ADJOURN.

ORDINANCES – First Reading

ORDINANCE #2023-11 First Reading

ORDINANCE NO.: 2023-11

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER IX (BUILDING & HOUSING), SECTION 3.7
(BRUSH, HEDGES AND OTHER PLANTS) OF THE
MUNICIPAL 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 revise '9-3.7 of the Borough Code concerning the maintenance of Brush, Hedges and Other Plants in the Borough.

NOW THEREFORE, BE IT ORDAINED by the 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 IX, Section 3.7 be and is hereby revised by deleting the existing section 9-3.7 entitled ABrush, Hedges and Other Plants and to replace it with the following:

Legislative Statement:

The Board of Commissioners of the Borough of Allenhurst are ever mindful of preserving the aesthetics of our hometown. As such, we have enacted ordinances with the intent to keep the Borough reflective of its visual heritage. This is one such ordinance. Its purpose is to preserve the ability of pedestrians and motorists to see the historic architecture and homes from the sidewalk and street, and to see that they are not obscured by hedges. It is also important to protect views of the ocean where applicable.

This ordinance establishes that homes cannot have hedges (or the combination of retaining structures and hedges) exceeding four (4') feet in height along the frontage of their property as it relates to (i.e. is measured from) the top of the adjacent sidewalk. To be clear, it is the Board's intent that homes shall not be concealed from view by plants or structures (or any combination thereof) that exceed four feet (4') in height.

The Board of Commissioners trusts that this Legislative Statement will assist our homeowners understanding of our continuing vision for the Borough, and explains why we believe enforcing this ordinance is a necessity to preserve our community.

'9-3.7. Brush, Hedges and Other Plants.

a. **Conformance Required.** The provisions of this article shall govern the minimum conditions and responsibilities of the owners, tenants or residents of property for the maintenance of the exterior of the property, including all vacant structures, premises and vacant land. All property, structures or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to adversely affect the public health or safety.

b. Brush, Hedges or other view obstructing plant height limitations. From the adoption of this Ordinance forward:

i. No property in the Borough shall have brush, hedges or any other view obstructing plants (as distinguished from deciduous trees) (hereinafter collectively referred to as "hedges") in any front yard and up to the front setback of the house, that exceed four feet (4') in height, as measured from the adjacent sidewalk, including hedges combined with retaining or other structures. This shall be inclusive of trees and plants of any kind whatsoever that are arranged in such a manner that they will in fact obstruct views.

ii. For all properties east of Ocean Avenue, from the front setback of the house to the rear sideline of any such property, hedges shall not exceed five feet (5') in height, as measured from the ground immediately adjacent to such hedges. The Board takes these actions specifically to keep potential ocean views available from front porches and backyards.

iii. For all properties west of Ocean Avenue up to the easterly side of Norwood Avenue (otherwise known as the 100 block) from the front setback of the house to the rear sideline of any such property, hedges shall not exceed eight feet (8') in height, as measured from the ground immediately adjacent to such hedges. Our intent here is to protect the potential views from the second story on these blocks.

iv. For corner lots and homes that ONLY have front yards, but no backyards, from the front setback of the house to the boundary of an adjacent property, there shall be no height restriction upon hedges. Such properties must still comply with section 9-3.7(b)(i) above, as the same applies to ALL properties throughout the Borough.

v. For all properties west of Norwood Avenue up to the easterly side of Page Avenue (otherwise known as the 200 block) from the front setback of the house to the rear sideline of any such property, hedges shall not exceed ten feet (10') in height, as measured from the ground immediately adjacent to such hedges.

vi. For all properties west of Page Avenue up to the easterly side of Main Street (otherwise known as the 300 block) from the front setback of the house to the rear sideline of any such property, there shall be no height restriction upon hedges. Such properties must still comply with section 9-3.7(b)(i) above, as the same applies to ALL properties throughout the Borough.

vii. For all properties west of Main Street from the front setback of the house to the rear sideline of any such property, there shall be no height restriction upon hedges. Such properties must still comply with section 9-3.7(b)(i) above, as the same applies to ALL properties throughout the Borough.

c. Service of Notice. Notice to cut and remove objectionable brush, hedges and other plant life shall be given by the Borough Clerk/Administrator and/or his or her designee to the owner, tenant or resident by registered mail or certified mail, return receipt requested to the last known post office address.

d. Determination of Need for Cutting. The Board of Commissioners of the Borough of Allenhurst shall determine, by resolution, when such notice shall be given pursuant to this subsection.

e. Removal by Borough. In the event of the failure of any owner, tenant or resident to keep

all brush, hedges and other plant life growing within ten (10) feet of any roadway, and within twenty-five (25) feet of the intersection of two (2) roadways, cut to a height of not more than four feet (4'), as measured from the adjacent sidewalk, after written notice thereof, the Borough may proceed to cause the cutting and removal of such brush, hedges and other plant life under the direction of the Borough Clerk/Administrator and/or his or her designee.

f. Lien for Costs. In any case where the Borough has cut and removed brush, hedges and other plant life, the Borough Clerk/Administrator and/or his or her designee shall thereafter certify to the Borough Council the cost thereof, and if the amount so certified is by resolution of the Borough Council determined to be correct and reasonable, the Borough Clerk/Administrator and/or his or her designee shall deliver a certified copy of the resolution to the Tax Collector. The amount so charged shall become a lien upon such lands from which the brush, hedges and other plant life were cut and removed, and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the Tax Collector in the same manner as taxes, as authorized by N.J.S.A. 40:48.2-26 and 40:48.2-27.

g. Reduction of nonconforming hedges. In the event any property owner with pre-existing nonconforming hedge heights reduces the hedge heights and/or brings them into conformance herewith, the same shall no longer be treated as "grandfathered" and shall thereafter conform to the height requirements established herein.

h. Removal of nonconforming hedges. In the event any property owner removes hedges or plantings which are not in conformance with the height restrictions set forth herein, any the new plantings shall comply with the height requirements established herein.

i. Violations and Penalties. Any person who shall refuse or neglect, after written notice as above set forth, to comply with the demands therein made with respect to the cutting of the brush, hedges and other plant life for the preservation of the public safety of the citizens of the Borough, within the period of time above set fourth, shall, upon conviction thereof, be liable to a penalty not to exceed a fine of five hundred (\$500.00) dollars, and each and every day in which the owner, tenant or resident shall refuse or neglect so to cut the offending brush, hedges and other plant life shall be and constitute a separate offense. The imposition and collection of any fine or penalty prescribed by this subsection shall not bar the right of the Borough to collect the cost of the cutting of the brush, hedges and other plant life, as hereinbefore specified; and the remedies shall be cumulative.

REPEALER. All other sections and subsections of Chapter IX not specifically amended by this Ordinance, shall remain in full force and effect.

INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

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.

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. Cumiskey____; Mayor McLaughlin_____.

ORDINANCES – First Reading – 2023-13

**ORDINANCE 2023-13
AN ORDINANCE VACATING CHAPTER VII, SECTION 17
c ('7-17 c) OF THE PARKING ORDINANCES OF THE
BOROUGH OF ALLENHURST.**

Offered By:

Seconded By:

WHEREAS, the Board of Commissioners of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Parking Ordinances to address the needs of the community;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough of Allenhurst Revised General Ordinances are hereby amended and supplemented as follows:

I. Chapter VII, section 17 c ('7-17 c) be and is hereby vacated and permanently deleted from the Borough Code of the Borough of Allenhurst; and it is further **ORDAINED** that except as herein above provided, the remainder of Chapter VII, TRAFFIC, 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 which 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-_____

ORDINANCE #2023-14 First Reading

**ORDINANCE 2023-14
AN ORDINANCE REVISING THE PARKING ORDINANCES OF THE BOROUGH OF
ALLENHURST.**

Offered By:

Seconded By:

WHEREAS, the Board of Commissioners of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Parking Ordinances to address the needs of the community;

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

I. Chapter VII, section 17 ('7-17) be and is hereby revised to delete the current sections b. 1-4 and replace them with the following:

b. Special Permit Parking

1. The parking space closest to the Main Gate of the Allenhurst Beach Club ("ABC"), which is not marked as a handicapped parking space, shall be set aside for special permit parking and shall be marked as such by the Borough of Allenhurst.

2. The parking space closest to the Cabana entrance of the ABC, which is not marked as a handicapped parking space, shall be set aside for special permit parking and shall be marked as such by the Borough of Allenhurst. [Amended 4-28-2020 by Ord. No. 2020-06].

3. The two (2) angles parking spaces closest to Corlies Avenue gate of the ABC, along the northerly sideline of the ABC (*which is also the southerly side line of Corlies Avenue*) which are not marked as handicapped parking, shall be set aside for special permit parking and designated for use of the Allenhurst Fire Department and the First Aid Responders and shall be marked as such by the Borough of Allenhurst.

4. Any person parking a motor vehicle in a special permit parking space without a special permit vehicle identification card shall be liable for a fine of \$250 for the first offense and, for subsequent offenses, a fine of at least \$250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate or any combination thereof. [Added 4-28-2020 by Ord. No. 2020-06].

5. Any vehicle parking in violation of this section shall be subject to removal by a law enforcement officer. It shall be the obligation of the owner of the motor vehicle to pay the reasonable costs for the removal and for any storage fees which may result from the removal. [Added 4-28-2020 by Ord. No. 2020-06]; and it is further

II. ORDAINED that except as herein above provided, the remainder of Chapter VII, TRAFFIC, shall remain unaltered and in full force and effect; and it is further

III. 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 which shall stand notwithstanding the invalidity of any part; and it is further

IV. ORDAINED, That this Ordinance shall take effect after publication and adoption according to law.

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

RESOLUTIONS

**RESOLUTION #2023-166
A RESOLUTION TO RATIFY AND APPROVE MINUTES**

Offered By:

Seconded By:

BE IT RESOLVED, That the minutes of the Regular Meetings of July 11, 2023 and July 25, 2023 be ratified and approved.

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

**RESOLUTION #2023-167
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 Meetings of July 11, 2023 and July 25, 2023.

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

**RESOLUTION #2022-168
A RESOLUTION TO APPROVE 2022 AUDIT**

Offered By:

Seconded By:

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, The Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations and,

WHEREAS, The members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, Such resolution of certification shall be adopted by the governing body no later than forty-five days after receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, All members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of

New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

"R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, That the governing body of the Borough of Allenhurst, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

RESOLUTION #2023-169

A RESOLUTION TO APPROVE RACE IN BOROUGH OF ALLENHURST

Offered By:

Seconded By:

WHEREAS, The Special Olympics New Jersey and the Jersey Shore Running Club have requested permission to run a portion of their annual RunAPalooza Race to Benefit Special Olympics through the Borough of Allenhurst on Saturday, April 6, 2024; and,

WHEREAS, A parade route has been provided which will take the marathon down Ocean Avenue, starting at approximately 9:00 AM and ending at approximately Noon and a Certificate of Insurance for this event will be provided; 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 Special Olympics New Jersey and the Jersey Shore Running Club to run a portion of their annual RunAPalooza through Allenhurst on April 4, 2024, contingent upon the Borough receiving a Certificate of Insurance prior to the event.

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

RESOLUTION #2023-170

A RESOLUTION TO AWARD CONTRACT FOR A NEW HVAC SYSTEM AT THE ALLENHURST FIRE HOUSE

Offered By:

Seconded By:

WHEREAS, There is a need for a new HVAC system at the Allenhurst Fire House; and,

WHEREAS, Funds for this purpose will be provided for in the current account known as "Public Buildings Misc. #3-01-26-772-218", 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:

A. Bailey Plumbing	\$13,375.00
C&C Plumbing	\$15,480.00
OceanSide Service Inc.	Quote was non-compliant

THEREFORE, BE IT RESOLVED, That a contract be awarded to A. Bailey Plumbing for a cost of \$13,375.00, the lowest of quotes received for a new HVAC system a the Allenhurst Fire House.

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

**RESOLUTION #2023-171
A RESOLUTION TO HIRE SEASONAL EMPLOYEES**

Offered By: _____ Seconded By: _____

BE IT RESOLVED, That the following be hired for the 2023 summer season:

	Name	Rate of Pay	
Poolside	Grant Gyrta	\$12.93	per hour
Poolside	Andreas Barrett	\$12.93	per hour

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

**RESOLUTION #2023-172
A RESOLUTION TO APPROVE MEMBER IN ALLENHURST FIRST AID SQUAD**

Offered By: _____ Seconded By: _____

WHEREAS, The Membership Committee of Allenhurst First Aid Squad has received an application for membership from Sol Mandalaoui; and,

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

NOW, THEREFORE, BE IT RESOLVED, That Sol Mandalaoui 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 #2023-173
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 #2023-174
A RESOLUTION TO APPROVE BILLS (7-12-2023 to 8-8-2023)

Offered By:

Seconded By:

BE IT RESOLVED, That bills totaling \$510,500.40 be approved for payment; and,
BE IT FURTHER RESOLVED, That the August 8, 2023 consolidated bill list be attached hereto and made a part thereof.

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