

**AGENDA**  
**September 19, 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:** None

**ANNOUNCEMENTS:** None

**ORDINANCES – FINAL READING**

**ORDINANCE – Final Reading – 2023-15**

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

**BOND ORDINANCE NO. 2023-15**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS POLICE EQUIPMENT, APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$522,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

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

**ORDINANCE – Final Reading – 2023-16**

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

**BOND ORDINANCE NO. 2023-16**

**BOND ORDINANCE PROVIDING FOR VARIOUS BEACH CLUB IMPROVEMENTS, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

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



**CONSENT AGENDA**

- Res. #2023-188      Dispense with Reading of Minutes -8-8-23 Meeting**
- Res. #2023-189      Dispense with Reading of Minutes -9-5-23 Meeting**
- Res. #2023-190      Ratify and Approve Minutes – 8-8-23 Meeting**
- Res. #2023-191      Ratify and Approve Minutes – 9-5-23 Meeting**
- Res. #2023-192      Authorize Use of Proprietary Goods – Street Lights**
- Res. #2023-193      Re-Appoint Borough Clerk**
- Res. #2023-194      Approve LESO Program**
- Res. #2023-195      Award Bid – Improvements to Elberon Avenue**
- Res. #2023-196      Approve Executive Session**

Consent Agenda Offered By: \_\_\_\_\_ Seconded By: \_\_\_\_\_

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

**Res. #2023-197      Approve Bills (9-6-2023 to 9-19-2023).**

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

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

- ITEMS FOR DISCUSSION:**
- OPEN PUBLIC HEARING:**
- CLOSE PUBLIC HEARING:**
- ADJOURN.**

**ORDINANCES – FINAL READING**

**ORDINANCE – Final Reading – 2023-15**

**BOND ORDINANCE NO. 2023-15**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS POLICE EQUIPMENT, APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$522,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Offered By:

Seconded By:

BE IT ORDAINED by the BOROUGH BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Allenhurst, in the County of Monmouth, New Jersey (the “Borough” or the “Borough of Allenhurst”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$550,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$27,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$522,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the acquisition of various police equipment, together with all purposes necessary incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the chief financial officer of the Borough, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$522,500, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$550,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$550,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$27,500 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is five (5) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$522,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$28,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment

of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

**ORDINANCE – Final Reading – 2023-16**

**BOND ORDINANCE NO. 2023-16**

**BOND ORDINANCE PROVIDING FOR VARIOUS BEACH CLUB IMPROVEMENTS, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

Offered By:

Seconded By:

BE IT ORDAINED by the BOROUGH BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Allenhurst, in the County of Monmouth, New Jersey (the “Borough” or the “Borough of Allenhurst”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,000,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$50,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$950,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of various improvements to the Borough Beach Club, including, but not limited to, locker and drainage improvements, a new pool liner, Americans with

Disabilities Act (ADA) pool accessibility improvements, and new cabana doors, together with all purposes necessary incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the chief financial officer of the Borough, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$950,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,000,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,000,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$50,000 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$950,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$60,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

**ORDINANCE – Final Reading – 2023-17**

**ORDINANCE #2023-17**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
THE BOROUGH CODE OF THE BOROUGH OF  
ALLENHURST, CHAPTER XXVI ENTITLED  
“DEVELOPMENTAL REGULATIONS 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 portions of its existing Borough Code concerning the Development Regulations, to address Site Plan Inspection escrows, Special Meeting Costs and Amended Application Fees to be accomplished by amending section 26-8.1(c).

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Allenhurst that Chapter 26 of the Borough Code of the Borough of Allenhurst, be and is hereby amended and supplemented as follows:

**SECTION 1.** The existing §26-8.1(c) is hereby amended and supplemented by adding the new section Site Plans, 5. Site Plan Inspection escrow indicated below; revising Additional Fees, 6. Special Meeting Costs as indicated below and adding new Additional Fee item 20. Amended Application fees as indicated below:



c. Application and Escrow Fee Schedule.

	Type of Application	Application Fee	Escrow Amount
<b>Site Plans</b>			
5.	Site Plan Inspection	\$0.00	\$6000.00
<b>Additional Fees</b>			
6.	Special meeting Costs	\$3500.00	\$1000.00
20.	Amended Application	\$1500.00	\$1000.00

All other sections of §26-8.1(c) Application and Escrow Fee Schedule shall remain in full force and effect.

**SECTION 2.** A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

**SECTION 3.** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Allenhurst Borough Code are ratified and remain in full force and effect.

**SECTION 4.** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 5.** This Ordinance shall take effect immediately upon its passage and adoption according to law.

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

**ORDINANCE – Final Reading – 2023-18**

**ORDINANCE #2023-18**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST, CHAPTER IX, SECTION 9-6.2 ENTITLED "PERMIT REQUIRED."**

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 portions of its existing Borough Code concerning the fees for Permits respecting the use of portable storage containers in the Borough.

**NOW THEREFORE, BE IT ORDAINED** by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that Chapter IX, Section 9-6.2 entitled "Permit Required" of the Borough Code of the Borough of Allenhurst, be and is hereby amended and supplemented as follows:

**SECTION 1.** The existing §9-6.2 is hereby deleted and replaced in its entirety by the following:

9-6.2 PERMIT REQUIRED

a. A Storage Container may only be placed on any property following the issuance of a permit by the Zoning Officer. The application fee for an initial 90 day Permit (see 9-6.3(a)(1)) is one hundred and sixty five (\$165.00) dollars. One good cause extension for an additional 90 days may be applied for (see 9-6.3(a)(2)) by submitting the Extension Fee of fifty (\$50.00) dollars.

All other sections of Chapter IX, Section 9-6 shall remain in full force and effect.

**SECTION 2.** A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

**SECTION 3.** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Allenhurst Borough Code are ratified and remain in full force and effect.

**SECTION 4.** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 5.** This Ordinance shall take effect immediately upon its passage and adoption according to law.

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

**ORDINANCE – Final Reading – 2023-19**

**ORDINANCE 2023-19**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST, CHAPTER XVI, SECTION 16-28.6 ENTITLED "APPLICATION FOR PERMIT; FEE: REFUSAL AND DURATION" RESPECTING THE USE OF DUMPSTERS.**

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

**WHEREAS**, the Borough Council of the Borough of Allenhurst has previously determined that the use of dumpsters or other large roll-off solid waste containers throughout the Borough had increased such that regulation of the practice was necessary to maintain order, and

**WHEREAS**, the Borough Council has determined that it is in the best interests of the community to impose an additional regulation respecting the time when the use of dumpsters or other large roll-off solid waste containers shall be restricted.

**NOW THEREFORE, BE IT ORDAINED** by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that Chapter XVI of the Code of the Borough of Allenhurst be

revised and supplemented with the addition of a new section 16-28.6(a)(10) as follows:

**SECTION 1.** The existing §16-28.6(a) be and is hereby supplemented by adding new subsection 10 as follows:

16-28.6(a) 10. Under no circumstances will the placement/existence of roll-off containers/dumpsters be allowed during the Moratorium set forth in Chapter XXVI, Section 26-10 of the Borough Code entitled “Work Period Limitation”.

All other sections of Chapter XVI, Section 16-28 shall remain in full force and effect.

**SECTION 2.** A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

**SECTION 3.** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Allenhurst Borough Code are ratified and remain in full force and effect.

**SECTION 4.** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 5.** This Ordinance shall take effect immediately upon its passage and adoption according to law.

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

**ORDINANCES – FIRST READING**

**ORDINANCE – First Reading – 2023-20**

**ORDINANCE #2023-20**

**AN ORDINANCE SUPPLEMENTING THE BOROUGH CODE OF THE  
BOROUGH OF ALLENHURST ESTABLISHING PRIVATELY OWNED  
SALT STORAGE REGULATIONS**

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

**WHEREAS**, the New Jersey Department of Environmental Protection has mandated that all municipalities must revise their stormwater control ordinance to include regulations on privately owned salt storage; and

**WHEREAS**, Borough Council of the Borough of Allenhurst, in order to be in compliance with the requirements of the New Jersey Department of Environmental Protection does hereby amend and supplement the Borough Code of the Borough of Allenhurst, Chapter XII, Stormwater System by creating section 12-3, entitled "Salt and de-icing material control."

**NOW THEREFORE BE IT ORDANIED** by the Governing Body of the Borough of Allenhurst that the Borough Code of the Borough of Allenhurst, be and is hereby supplemented to create Chapter 12-3, entitled "Salt and de-icing material control" as follows:

**SECTION 1.** The Borough Code of the Borough of Allenhurst be and is hereby supplemented to create Chapter 12-3 entitled ASalt and de-icing material control@:

**§12-3 Salt and de-icing material control; Purpose**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Allenhurst Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§12-3.1 Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

b. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

- c. “Storm drain inlet” means the point of entry into the storm sewer system.
- d. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).
- e. A "fabric frame structure" is a permanent structure if it meets the following specifications:
  - i. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
  - ii. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
  - iii. The structure shall be erected on an impermeable slab;
  - iv. The structure cannot be open sided; and
  - v. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- f. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- g. “Resident” means a person who resides on a residential property where de-icing material is stored.

**§12-3.2 Deicing Material Storage Requirements:**

- a. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
  - i. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - ii. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  - iii. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - iv. Loose materials shall be covered as follows:
    - 1. The cover shall be waterproof, impermeable, and flexible;
    - 2. The cover shall extend to the base of the pile(s);
    - 3. The cover shall be free from holes or tears;
    - 4. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
    - 5. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

- (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
- v. Containers must be sealed when not in use; and
- vi. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.

b. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.

c. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

- i. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

#### **§12-3.3 Exemptions:**

a. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

b. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

c. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

#### **§12-3.4 Enforcement:**

This ordinance shall be enforced by the Police Department, Zoning/Code Official, and/or other Municipal Officials of Allenhurst Borough during the course of ordinary enforcement duties.

#### **§12-3.5 Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to a fine of up to \$1,000. Each and every day that such violation continues shall be considered a separate violation.

**SECTION II. Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**SECTION III. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

**RESOLUTIONS**

**RESOLUTION #2023-188**

**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 August 8, 2023.

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

**RESOLUTION #189**

**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 September 5, 2023.

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

**RESOLUTION #2023-190**

**A RESOLUTION TO RATIFY AND APPROVE MINUTES**

Offered By:

Seconded By:

**BE IT RESOLVED**, That the minutes of the Regular Meeting of August 8, 2023 and be ratified and approved.

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

**RESOLUTION #2023-191**

**A RESOLUTION TO RATIFY AND APPROVE MINUTES**

Offered By:

Seconded By:

**BE IT RESOLVED**, That the minutes of the Regular Meeting of September 5, 2023 be ratified and approved.

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





**BE IT FURTHER RESOLVE** that a copy of this Resolution be forwarded to the following:

1. Donna M. Campagna, R.M.C
2. Director, Local Government Services
3. New Jersey Department of Community Affairs
4. Wayne Silbia, Allenhurst Borough CFO

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

**RESOLUTION #2023-194**  
**A RESOLUTION TO APPROVE L.E.S.O. PROGRAM**

Offered By:                      Seconded By:

**WHEREAS**, The Borough has been an active participant in the Law Enforcement Support Office 1033 program, commonly known as LESO; and,

**WHEREAS**, The State of New Jersey now requires the governing body of each municipality to pass a resolution authorizing continued participation in this program; and,

**WHEREAS**, It is the recommendation of the Chief of Police that the Borough continue its participation;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, that it approves the Borough's participation in LESO.

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

**RESOLUTION NO: 2023-195**  
**RESOLUTION AWARDDING CONTRACT FOR "IMPROVEMENTS TO ELBERON AVENUE IN THE BOROUGH OF ALLENHURST AND VILLAGE OF LOCH ARBOUR" PER BID SPECIFICATIONS PREPARED BY LEON S. AVAKIAN, INC. DATED JULY 28, 2023**

Offered By:                      Seconded By:

**WHEREAS**, the Borough of Allenhurst ("Borough"), in conjunction with its neighboring municipality, the Village of Loch Arbour ("Village") advertised for bids for the project identified as "Improvements to Elberon Avenue in the Borough of Allenhurst and Village of Loch Arbour" per bid specifications prepared by Leon S. Avakian, Inc. dated July 28, 2023; and

**WHEREAS**, on August 30, 2023, the Borough received bids for the project; and

**WHEREAS**, the apparent low bidder is Fernandes Construction, Inc. with a bid in the total amount of Three Hundred and Twenty Eight Thousand, Nine Hundred and Eighty Seven Dollars and Eighty Two (\$328,987.82) Cents, where the Borough's portion thereof is Two Hundred and Thirty Thousand, Three Hundred and Thirty Nine Dollars and Twenty Two (\$230,339.22) Cents and the Village's portion thereof is Ninety Eight Thousand, Six Hundred and Forty Eight Dollars and Sixty (\$98,648.60) Cents; and

**WHEREAS**, in a letter dated September 1, 2023, the Borough's Engineer, Leon S. Avakian, Inc., recommended an award to the aforesaid low bidder Fernandes Construction, Inc.; and

**WHEREAS**, the Borough's Attorney has reviewed the bid documents and bid bond

submitted by Fernandes Construction, Inc. and has found the same to be in order; and

**WHEREAS**, the Borough's CFO hereby certifies that monies are available for said purposes as described above and budgeted for in the Line Item "2023-08 - Improvements to Elberon Avenue - C-04-55-987-005", to which the required monies shall be charged, in the amount of \$230,339.22.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Allenhurst that 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 a contract be and hereby is awarded to Fernandes Construction, Inc. in the amount of \$230,339.22, the Lump Sum price contained in their bid proposal for work to be done in the Borough of Allenhurst; and

**BE IT FURTHER RESOLVED** that the award of the contract be and hereby is conditioned upon the Contractor providing the required insurance coverage, contract documents, and performance and maintenance bonds as set forth in the contract documents in a form satisfactory to the Borough and its Attorney; and

**BE IT FURTHER RESOLVED** that the award of this contract as set forth herein is conditioned upon the Borough Attorney's review of the insurance and bond compliance documents to be submitted by Fernandes Construction, Inc.; and

**BE IT FURTHER RESOLVED** that the Mayor or his designee be and is hereby authorized to execute all necessary documents in connection herewith.

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

#### **RESOLUTION #2023-196**

#### **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 #2023-197**

**A RESOLUTION TO APPROVE BILLS (9-6-2023 to 9-19-2023)**

Offered By:

Seconded By:

**BE IT RESOLVED**, That bills totaling \$212,815.18 be approved for payment; and,  
**BE IT FURTHER RESOLVED**, That the September 19, 2023 consolidated bill list be attached hereto and made a part thereof.

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