

AGENDA
April 27, 2021

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. BOLAN-____; 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 NJ Transit regarding their Fiscal Year 2021 Request for Federal Financial Assistance

ANNOUNCEMENTS:

The Board of Commissioner's Meeting originally scheduled for May 11, 2021 has been rescheduled for May 18, 2021.

The date of the NJ Primary Election is June 8, 2021. The Board of Commissioner's meeting scheduled for that date will need to be rescheduled.

ORDINANCES FINAL READING

ORDINANCE #2021-08 – Final Reading

Offered By: _____ Secoded By: _____

ORDINANCE #2021-08
CALENDAR YEAR 2021

**MODEL 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. Bolan ____; Mayor McLaughlin ____

ORDINANCE #2021-09 – Final Reading

Offered By: _____ Secoded By: _____

ORDINANCE #2021-09
**AN ORDINANCE BY THE BOROUGH OF ALLENHURST PROHIBITING THE
OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS
GEOGRAPHICAL BOUNDARIES**

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

ORDINANCES FIRST READING

ORDINANCE #2021-08 – First Reading

Offered By:

Seconded By:

ORDINANCE #2021-10

AN ORDINANCE SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST, CHAPTER III, ADDING SUBSECTION 3.1.2 ENTITLED “NO CONSTRUCTION ON SUNDAYS.”

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

CONSENT AGENDA:

- | | |
|-----------------------|---|
| Res. #2021-104 | Ratify and Approve Minutes. |
| Res. #2021-105 | Dispense with Reading of Minutes |
| Res. #2021-106 | Award Contract – Pool Water Analysis – E. Runyan |
| Res. #2021-107 | Approve Shared Services Agreement – MODIV Property Assessment
Computer System Services |
| Res. #2021-108 | Approve LOSAP Participants |
| Res. #2021-109 | Hire Seasonal Employees |
| Res. #2021-110 | Award Contract for Pool Pump and Motor Maintenance |
| Res. #2021-111 | Hire Class I Officers |
| Res. #2021-112 | Reassign Planning Board Members |
| Res. #2021-113 | Hire Seasonal Employees – Pre-Season |
| Res. #2021-114 | Confirm Purchases |
| Res. #2021-115 | Approve Executive Session |

Consent Agenda Offered By:

Seconded By:

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

Res. #2021-116 Authorize Settlement - Chera

Offered By:

Seconded By:.,

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

Res. #2021-117 Approve Bills (4-16-2021 to 4-30-2021).

Offered By:

Seconded By:.,

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

ITEMS FOR DISCUSSION:

OPEN PUBLIC HEARING:

CLOSE PUBLIC HEARING:

ADJOURN.

ORDINANCES FINAL READING

ORDINANCE #2021-08 – Final Reading

**ORDINANCE #2021-08
CALENDAR YEAR 2021
MODEL 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 2021 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 2.5% increase in the budget for said year, amounting to \$120,237.99 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 2021 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 2.5%, amounting to \$120,237.99 and that the CY 2021 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. Bolan____; Mayor McLaughlin____

ORDINANCE #2021-09 – Final Reading

ORDINANCE #2021-09

AN ORDINANCE BY THE BOROUGH OF ALLENHURST PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES

Offered By:

Seconded By:

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, the Board of Commissioners of the Borough of Allenhurst has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on Allenhurst, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Allenhurst's residents and members of the public who visit, travel, or conduct business in Allenhurst, to amend Allenhurst's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Allenhurst; and

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

1. Section 26-4.1(h) of the Borough Code of the Borough of Allenhurst be and is hereby amended by deleting the current section and replacing it with the following:

h. The Borough has determined, pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), that all six (6) classes of cannabis establishments, cannabis distributors, and cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, shall be prohibited uses in the Borough of Allenhurst.

1. Henceforth, any and all cannabis establishments, cannabis distributors, cannabis sales, cannabis paraphernalia sales, cannabis cultivators or cannabis delivery services are hereby prohibited from operating anywhere in Borough of Allenhurst.

2. Nothing herein shall affect a licensed medical marijuana facility operating pursuant to the New Jersey" Compassionate Use Medical Cannabis Act," N.J.S.A.

24:6I-1 et seq.

3. Any article, section, paragraph, subsection, clause, or other provision of the Borough Code of the Borough of Allenhurst inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency. All other provisions of the Borough Code of the Borough of Allenhurst are ratified and remain in full force and effect.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective, and to this end, the provisions of this Ordinance are declared to be severable.

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

6. This Ordinance shall take effect immediately upon its passage and adoption according to law.

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

ORDINANCES FIRST READING

ORDINANCE #2021-08 – First Reading

ORDINANCE #2021-10

AN ORDINANCE SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST, CHAPTER III, ADDING SUBSECTION 3.1.2 ENTITLED “NO CONSTRUCTION ON SUNDAYS.”

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 to prohibit construction activities on Sundays throughout the Borough in order to maintain the peace.

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

SECTION 1. New section 3-1.2 be and is hereby added to the Borough Code as follows:

3-1.2. No Construction on Sundays.

a. Construction Activities Prohibited. It shall be unlawful for any person, firm, business or corporation to engage in construction activities in the Borough on Sundays, regardless of the time of day. Notwithstanding the foregoing, nothing herein shall be deemed to prohibit a homeowner and/or their immediate family members, from undertaking regular home maintenance activities on Sundays between the hours of 8:00 a.m. and 7:00 p.m.

b. Penalties. Any person, firm, business or corporation who violates any provision of this section shall, upon conviction thereof, be subject to a fine as follows:

i. For a 1st Offense, fine of \$276.00, plus \$24.00 Court Costs;

- ii. For a 2nd Offense, fine of \$576.00, plus \$24.00 Court Costs; and
- iii. For a 3rd and any subsequent Offense, fine of \$1,176.00, plus \$24.00 Court Costs.

Each hour of such violation's continuance shall be considered a separate offense and be separately punishable.

SECTION 2. A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies 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. Bolan ___; Mayor McLaughlin ___

RESOLUTIONS

RESOLUTION #2021-104

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By:

Seconded By:

BE IT RESOLVED, That the minutes of the Regular Meeting of April 13, 2021 be ratified and approved.

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

RESOLUTION #2021-105

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 April 13, 2021.

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

RESOLUTION #2021-106

A RESOLUTION TO AWARD CONTRACT FOR POOL WATER ANALYSIS

Offered By:

Seconded By:

WHEREAS, There is a need for Pool Water Analysis at the Allenhurst Beach Club; and,
WHEREAS, The following quote was received and is on file with the Borough Clerk:

E Runyan T/A Aquatic Services

WHEREAS, Funds for this purpose shall be provided in the 2021 Temporary Budget, Beach OE;

THEREFORE, BE IT RESOLVED, That a contract be awarded to E Runyan T/A Aquatic Services, the only quote that was received for Pool Water Analysis at the Allenhurst Beach Club at the following rates:

Weekly Testing	\$70.00 Per sample/Per Week
Retesting, as required	\$50.00 per sample

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

RESOLUTION #2021-107

A RESOLUTION TO APPROVE

SHARED SERVICES AGREEMENT WITH MONMOUTH COUNTY

Offered By:

Seconded By:

WHEREAS, The State of New Jersey has mandated the use of the MODIV Property Assessment Computer System for all New Jersey Municipalities; and,

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth, in conjunction with the County Board of Taxation, is offering the County's MOD IV Property

Assessment Computer System services to the municipalities; and,

WHEREAS, A Shared Services Agreement has been proposed for this purpose, pursuant to N.J.S.A. 40A:65-1 et seq.; and,

WHEREAS, It is in the best interest of the Borough of Allenhurst to enter into such an Agreement;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that the agreement entitled, "**Agreement Between the County of Monmouth and the Borough of Allenhurst for MODIV Property Assessment Computer Services**", on file in the Borough Clerk's office, be approved for the First of January, 2022 through December 31, 2031; and,

BE IT FURTHER RESOLVED, That the Mayor and Clerk be and are hereby authorized and directed to execute the contract agreement.

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

RESOLUTION #2021-108

A RESOLUTION TO APPROVE LOSAP PARTICIPANTS

Offered By:

Seconded By:

BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst the following list of qualified Allenhurst firefighters and Emergency Medical Technicians are certified to receive \$984.34 each from the Allenhurst, Interlaken, Loch Arbour LOSAP Program for the year 2020:

David Belhassen
Kyle Ebbets
Patrick Harvey
Richard Heitmueller
Frank Manfredi
Michael Powers
Robert T. Todd
William Varley

Susan A. Borden
Daniel Gulick
Patrick A. Harvey II
Jason Henry
Patricia McLoughlin
William P. Reng
James S. Vaccaro
Carla Ward

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

RESOLUTION #2020-109

A RESOLUTION TO HIRE SEASONAL EMPLOYEES

Offered By:

Seconded By:

BE IT RESOLVED, That the following be hired for the 2021 summer season commencing on May 29, 2021:

Riley Manfredi	Security	\$14.00	per hour
Sophia Ranucci	Security	\$13.00	per hour
Julia Swearer	Security	\$11.10	per hour
Madison Loushine	Security	\$11.10	per hour
Ricky Wade	Security	\$11.10	per hour

Brad Comer	Security	\$11.10	per hour
George Michals	Security	\$11.10	per hour
Jennifer Ingulli	Security	\$11.10	per hour
Francesca Ranucci	Security	\$11.10	per hour
James Furrer	Security	\$11.10	per hour
Emma Loushine	Security	\$11.10	per hour
Janiny Avallone	Security	\$11.10	per hour
Lucy Roarty	Security	\$11.10	per hour
Katie Cogland	Security	\$11.10	per hour
Madison Costanzo	Security	\$11.10	per hour
Julianna Ilvento	Security	\$11.10	per hour
Sean Harrington	Security	\$11.10	per hour
Luke Rousell (+ Poolside)	Security	\$11.10	per hour
Kaia Abbatiello	Recreation	\$11.10	per hour
Michaela Horowitz	Recreation	\$13.10	per hour
Carmen Salvatore	Recreation	\$11.10	per hour
Maggie Beisswanger	Recreation	\$13.10	per hour
Katie Beisswanger	Recreation	\$13.10	per hour
Clare Bolan	Recreation	\$13.10	per hour
Luciano Salvatore	Recreation	\$11.10	per hour
Neel Khichi	Recreation	\$16.00	per hour
Jules Walsh	Recreation	\$13.10	per hour
Shannon Bolan	Recreation	\$13.10	per hour
Julia Hallman	Recreation	\$13.10	per hour
Jane Alto	Recreation	\$11.10	per hour
Avery Torchia	Recreation	\$11.10	per hour
Olivia DelCuore	Recreation	\$13.10	per hour
Charles Spellman	Poolside-Supervisor	\$14.00	per hour
Andrew Simoes	Poolside	\$11.10	per hour
Stephen Myer	Poolside	\$11.10	per hour
Zach Coyne	Poolside	\$11.10	per hour
Will Peterpaul	Poolside	\$11.10	per hour
Pat Olenski	Poolside	\$11.10	per hour
Thomas Portway	Cabanas - Supervisor	\$16.00	per hour
Thomas Selden	Cabanas	\$11.10	per hour
Xianghoun Jiang	Cabanas	\$11.10	per hour
Ryan McLaughlin	Cabanas	\$11.10	per hour
Mac Horowitz	Cabanas	\$11.10	per hour

Brandon Harrington	Cabanas	\$11.10	per hour
Sebastian Pena	Cabanas	\$11.10	per hour
Chris Mueller	Cabanas	\$13.00	per hour
Sean Reid	Cabanas	\$11.10	per hour
Gabby Ciancio	Cabanas	\$11.10	per hour
Bryan Daily	Deck	\$11.10	per hour
Dale Alto	Deck	\$11.10	per hour
Jake Gironda	Deck -Supervisor	\$16.00	per hour
Michael Cascaes	Deck	\$11.10	per hour
Frank Traettino	Deck	\$11.10	per hour
Mike Traettino	Deck	\$11.10	per hour
Edmond Acquaviva	Deck	\$11.10	per hour
Hunter Lowe	Deck	\$11.10	per hour
Hyatt Lowe	Deck	\$13.00	per hour
Ryan Mishkin	Deck	\$11.10	per hour
Morgan Bartlett	Lifeguards	\$13.00	per hour
Syd Sacco	Lifeguards	\$12.25	per hour
Olivia Michals (Lieutenant)	Lifeguards	\$14.00	per hour
Jamie Richter	Lifeguards	\$13.00	per hour
Lila Rice	Lifeguards	\$13.00	per hour
Kelly Bartlett	Lifeguards	\$12.00	per hour
Elise Wanner (Lieutenant)	Lifeguards	\$14.00	per hour
Kat Dowling	Lifeguards	\$15.00	per hour
Alysa Longo	Lifeguards	\$13.00	per hour
Maggie Leys	Lifeguards	\$13.00	per hour
Isabel Thierman	Lifeguards	\$12.50	per hour
Christopher Costanzo	Lifeguards	\$12.50	per hour
Harry Greenspan	Lifeguards	\$12.50	per hour
William Tisony	Lifeguards	\$13.00	per hour
Holden Lowe	Lifeguards	\$12.75	per hour
Redding Thomas	Lifeguards	\$12.50	per hour
Dylan Mannion	Lifeguards	\$12.75	per hour
Michael McLaughlin	Lifeguard - Supervisor	\$25.00	per hour
Andrew Cohen	Lifeguards	\$15.00	per hour
John Parkhill	Lifeguards	\$15.00	per hour
Michael Reid	Lifeguards	\$12.00	per hour
Pat Chambrovich (Captain)	Lifeguards	\$17.00	per hour
Christian Revolinsky	Lifeguards	\$12.00	per hour
Alex Manso	Lifeguards	\$15.00	per hour
Tommy Glynn	Lifeguards	\$12.75	per hour

Dylan Stewart (Captain)	Lifeguards	\$15.00	per hour
Marc Gleason	Lifeguards	\$12.00	per hour
Jake Schuler	Lifeguards	\$15.00	per hour
Matt Taylor	Lifeguards	\$12.00	per hour
Brian Chung	Lifeguards	\$12.50	per hour
Alyssa Longo	Swim Team Stipend	\$400.00	per season
Olivia Michals	Swim Team Stipend	\$350.00	per season
Dominic Longo	Assistant Manager	\$16,000.00	per season

RESOLUTION #2021-110

A RESOLUTION TO AWARD CONTRACT FOR MAINTENANCE AND REPAIRS TO POOL PUMP AND MOTOR AT THE ALLENHURST BEACH CLUB

Offered By:

Seconded By:

WHEREAS, There is a need for Annual Maintenance on the Pool Pump and Motor at Allenhurst Beach Club; and,

WHEREAS, Funds for this purpose will be provided for in the current account known as “Beach Misc”, Account # 1-01-28-797-218, and the Chief Finance Officer has so certified;

WHEREAS, The following quotes were received from the following vendors and are on file with the Borough Clerk:

Pilot Electric Company, Inc.	\$7,389.65
Manufacturers Edge Inc.	\$8,645.00
Lockwood’s Electric Motor SVC.	\$7,965.00

THEREFORE, BE IT RESOLVED, That a contract be awarded to Pilot Electric Company, Inc. for a cost of \$7,389.65, the lowest of quotes received for Annual Maintenance on the Pool Pump and Motor at Allenhurst Beach Club.

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

RESOLUTION #2021-111

A RESOLUTION TO HIRE CLASS I OFFICERS

Offered By:

Seconded By:

WHEREAS, There is a need for a Class I special police officers on an seasonal as-needed basis; and,

WHEREAS, Jonathan Pope and Seamus Coyle and have been enrolled in the Monmouth County Police Academy to take the Basic Course for Class I Special Law Enforcement Officers; and,

RESOLUTION #2021-114
A RESOLUTION TO CONFIRM PURCHASES

Offered By:

Seconded By:

WHEREAS, Purchases were made for amounts over \$1,000.00 and it is the policy of the Borough that the Board of Commissioners approve or confirm said purchases; and;

NOW, THEREFORE, BE IT RESOLVED, That the following contracts are hereby confirmed:

BILLOWS	LIGHT POST REPLACEMENT	4,069.98
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VOTE: Comm. McLoughlin____; Comm. Bolan____; Mayor McLaughlin____

RESOLUTION #2021-115
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. Bolan____; Mayor McLaughlin____

RESOLUTION #2021- 116
RESOLUTION AUTHORIZING SETTLEMENT OF AN ACTION IN LIEU OF PREROGATIVE WRITS ENTITLED RICHARD AND FLORE CHERA V. THE BOROUGH OF ALLENHURST PLANNING BOARD, THE BOROUGH OF ALLENHURST AND JOSEPH MCGRATH, SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY, DOCKET NUMBER, MON-L-4064-20

Offered By:

Seconded By:

PREAMBLE

WHEREAS, Richard Chera and Flore Chera (hereinafter APlaintiffs@) are the owners of 1 Spier Avenue in the Borough. On or about June 15, 2019, the Borough issued a Notice of Violation (ANOV@) to the Plaintiffs asserting that certain hedges on their property, in combination with a retaining wall and elevated soil, violated Borough Ordinance 26-5.2; and

WHEREAS, on or about July 3, 2019, Plaintiffs filed a Notice of Appeal of the NOV with the Borough of Allenhurst Planning Board (hereinafter APlanning Board@) challenging its

conclusions and seeking an interpretation pursuant to N.J.S.A. 40:55D-72(a); and

WHEREAS, on November 12, 2020, the Planning Board issued Resolution 2-11-12-2020 denying Plaintiffs= appeal, which was published in the Asbury Park Press on November 19, 2020; and

WHEREAS, on or about December 16, 2020, the Plaintiffs filed an Action in Lieu of Prerogative Writs entitled *Richard and Flore Chera v. The Borough of Allenhurst Planning Board, the Borough of Allenhurst and Joseph McGrath, Superior Court of New Jersey, Law Division, Monmouth County, Docket Number: MON-L-4064-20* (hereinafter the ALawsuit@) alleging, *inter alia*, that the Planning Board=s Resolution was arbitrary, capricious and unreasonable, that Borough Ordinance 26-5.2 was applied to them in an arbitrary, capricious and unreasonable manner and that Borough Ordinance 26-5.2 is unconstitutionally vague as applied to the Plaintiffs; and

WHEREAS, the Plaintiffs and each of the Borough Defendants now wish to resolve all their differences in accordance with the terms and conditions of the Settlement Agreement and Release attached hereto as Exhibit AA@ and incorporated herein by reference; and

WHEREAS, upon the advice of counsel, the Settlement Agreement and Release is recommended as a means of resolving a potentially costly and protracted dispute.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Allenhurst 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 settlement of the Lawsuit brought by the Plaintiffs in accordance with the terms set forth in the Settlement Agreement and Release attached hereto as Exhibit AA@ and incorporated herein by reference, be and is hereby authorized and approved; and

BE IT FURTHER RESOLVED that, the Mayor be and is hereby authorized to execute the Settlement Agreement and Release on behalf of the Borough of Allenhurst and that Borough Counsel is hereby authorized to execute the associated Stipulation of Dismissal, with prejudice, to bring the Lawsuit to a conclusion.

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

RESOLUTION #2021-117

A RESOLUTION TO APPROVE BILLS AND PAYROLL (4-16-2021 to 4-30-2021)

Offered By:

Seconded By:

BE IT RESOLVED, That bills and payroll totaling \$238,174.85 be approved for payment; and,

BE IT FURTHER RESOLVED, That the April 30, 2021 consolidated bill list be attached hereto and made a part thereof.

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