

MINUTES
October 12, 2021

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Commissioner McLoughlin presiding and Commissioner Bolan answering the roll call. Mayor McLaughlin was not present. Also in attendance was the Borough Clerk and Borough Attorney.

The meeting was called to order at 7:30 P.M. with a salute to the flag.

Commissioner McLoughlin announced that the notice requirements of R.S. 10:4-18 had been satisfied by delivering the required notice to the Coaster, posting the notice on the board in Borough Hall and filing a copy of said notice with the Borough Clerk.

COMMUNICATIONS:

None

ANNOUNCEMENTS:

The Allenhurst Halloween Parade will take place on Saturday, October 30 – with a rain date of October 31st. The event will take place from 11:30 to 2:00 at Railroad Park.

RESOLUTIONS

RESOLUTION #2021-212

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the minutes of the Regular Meeting of September 23, 2021 be ratified and approved.

VOTE: Comm. McLoughlin -AYE; Comm. Bolan-AYE

RESOLUTION #2021-213

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the Clerk dispense with the reading of the Regular Meeting of September 23, 2021.

VOTE: Comm. McLoughlin -AYE; Comm. Bolan-AYE

RESOLUTION 2021-214

A RESOLUTION TO AWARD CONTRACT FOR PURCHASE OF FIRE TRUCK

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, It has been determined by the municipalities of Interlaken, Loch Arbour and Allenhurst, upon the recommendation of the Allenhurst Fire Department, that a new Spartan ER Firetruck Pumper is necessary to replace outdated and defective equipment that is having difficulty meeting certification requirements; and,

WHEREAS, the Village of Loch Arbour approved the purchase in accordance with the existing Interlocal Services Agreement by Resolution 2021-78 dated September 1, 2021, a copy of which is incorporated herein by reference; and

WHEREAS, the Borough of Interlaken approved the purchase in accordance with the existing Interlocal Services Agreement by Resolution 2021-68 dated September 14, 2021, a copy of which is incorporated herein by reference; and

WHEREAS, The Allenhurst Fire Department received a quote from Spartan Fire LLC for a Custom Spartan ER Firetruck Pumper at a price of \$648,400; and,

WHEREAS, Spartan Fire LLC is a member of Sourcewell, a Co-Op recognized by the State of New Jersey, and this item is being purchased under Contract #022818-SPR; and,

WHEREAS, Funds for this purpose are available in the account # C-04-55-986-005 Fire Truck., and the Chief Finance Officer has so certified;

NOW, THEREFORE, BE IT RESOLVED, by the Board of 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 a contract be awarded to Spartan Fire LLC for the purchase of a Custom Spartan ER Firetruck Pumper in the amount of \$648,040.

VOTE: Comm. McLoughlin -AYE; Comm. Bolan-AYE

RESOLUTION #2021-215

A RESOLUTION TO APPROVE 2020 AUDIT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

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 2020 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 -AYE; Comm. Bolan-AYE

RESOLUTION #2021-216

A RESOLUTION TO AFFIRM THE BOROUGH OF ALLENHURST'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, it is the policy of Borough of Allenhurst to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Borough of Allenhurst has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Board of Commissioners of the Borough of Allenhurst that:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the

person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

VOTE: Comm. McLoughlin -AYE; Comm. Bolan-AYE

RESOLUTION #2021-217

A RESOLUTION TO APPROVE HALLOWEEN CURFEW

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Commissioners are of the opinion that it is necessary for the protection of property and the citizens of the Borough of Allenhurst that regulations and restrictions be imposed during the Halloween period, in order to prevent vandalism and to preserve law and order in the Borough of Allenhurst during said period of time;

NOW, THEREFORE, BE IT RESOLVED, AND PROCLAIMED By the Board of Commissioners of the Borough of Allenhurst as follows:

I. That no persons under the age of 18 years shall be permitted in any public place, public street, or public property in the Borough of Allenhurst between the hours of 8:00 P.M. and 6:00 A.M., prevailing time, on each and every day during the period from October 30 through October 31, 2021, inclusive, unless such person shall, during said hours, be returning from work, night school, fraternity, church, social or school meeting, or enroute to and returning from a physician's office or dentist's office where treatment is to be rendered or has been rendered by such physician or dentist, or is accompanied by his or her guardian or parent over the age of 18 years.

That during said hours and days, no person shall wear any appliance for the purpose of covering any portion of his or her face, or partial mask, in any public place, public street or public property in the Borough of Allenhurst.

II. That all persons, regardless of age, excepting those who are attending minor children, who shall participate in the traditional Halloween activity of "Trick or Treat", within the Borough of Allenhurst on October 31, 2021, shall be in costume, and, shall curtail all "Trick or Treat" activities by 8:00 PM on this date.

That any person who is a parent, guardian or standing in loco parents of any person under the age of 18 years who permits, consents or allows any person under the age of 18 years to violate the provisions of this resolution of any part thereof, shall likewise be guilty of a violation of this resolution.

That any person who shall violate this resolution shall be subject upon conviction to a fine not exceeding \$200.00 or imprisonment of not more than 30 days, or both, in the discretion of the Municipal Court of the Borough of Allenhurst.

This resolution and proclamation shall take effect immediately upon adoption and approval according to law.

VOTE: Comm. McLoughlin -AYE; Comm. Bolan-AYE

RESOLUTION #2021-218

A RESOLUTION TO APPROVE AN ADDENDUM TO THE INTERLOCAL AGREEMENT WITH TOSA

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40:8A-1, et seq., authorizes any municipality to enter into a contract with another municipality for any services which any party to the agreement is empowered to render within its own jurisdiction; and,

WHEREAS The Borough of Allenhurst and the Township of Ocean entered into an agreement whereby the Township of Ocean will provide jet-vac and TV services to the Borough of Allenhurst as of December 31, 2016, and that agreement automatically renews for additional terms of one (1) year for a maximum of seven (7) years, unless either party provides the other with written notice as per the contract;

WHEREAS, The Borough of Allenhurst wishes to amend that agreement to the terms set forth below:

1. TOSA will perform cleaning services with TOSA's jet-vac at Allenhurst's three(3) lift stations twice a year as requested by Allenhurst and as scheduled by TOSA for a set price of Four Hundred Fifty Dollars (\$450.00) each cleaning. This amount shall increase two percent (2%) on January 1st of each subsequent year during the term of the Agreement.

2. If Allenhurst requests the cleaning of any individual lift station outside the twice annual cleaning, the cost of such cleaning shall be in accordance with the hourly schedule attached as Schedule A.
3. TOSA shall nominate one of its employees with a C-1 license to be the licensed operator of the Allenhurst collection system until such time as Allenhurst advised TOSA that the service is no longer needed.
4. From such time as a TOSA employee shall serve as Allenhurst's licensed operator of the collection system, Allenhurst shall pay TOSA the amount of Three Hundred Dollars (\$300.00) per month, which amount shall be billed by TOSA quarterly.
5. Except as modified by this Addendum, the Agreement shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED, By the Board Commissioners of the Borough of Allenhurst that the Mayor and Borough Administrator be and they are authorized and directed to sign the aforesaid Addendum to the Interlocal Service Agreement between the Borough of Allenhurst and the Township of Ocean in accordance with the terms of the Agreement and Addendum which are on file in the Borough Clerk's office.

VOTE: Comm. McLoughlin -AYE; Comm. Bolan-AYE

RESOLUTION #2021-219
A RESOLUTION TO CONFIRM REMOVAL OF MEMBER FROM
ALLENHURST FIRE DEPARTMENT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, By the Board of Commissioners, pursuant to the recommendation of the Allenhurst Fire Department, the following is hereby removed from membership in the Fire Department:

Caitlyn Varley

VOTE: Comm. McLoughlin -AYE; Comm. Bolan-AYE

RESOLUTION #2021-220
A RESOLUTION TO APPROVE REFUNDS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the following refund of fees over-paid for use of pavilion at the Beach Club be approved:

MEMBER NAME	AMOUNT
Brian Cumiskey	\$500.00

VOTE: Comm. McLoughlin -AYE; Comm. Bolan-AYE

RESOLUTION #2021-221
A RESOLUTION TO APPROVE EXECUTIVE SESSION

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

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 -AYE; Comm. Bolan-AYE

RESOLUTION #2021-222

A RESOLUTION TO APPROVE BILLS AND PAYROLL (10-1-2021 to 10-15-2021)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payroll totaling \$352,284.99 be approved for payment; and,

BE IT FURTHER RESOLVED, That the October 15, 2021 consolidated bill list be attached hereto and made a part thereof.

VOTE: Comm. McLoughlin -AYE; Comm. Bolan-AYE

ITEMS TO DISCUSS

None

PUBLIC COMMENTS

None

There being no further business or comments, Comm. McLoughlin moved, seconded by Mayor McLoughlin that the meeting move to executive session at 7:32 PM. Motion carried.

After reconvening, Mayor McLoughlin moved, seconded by Comm. McLoughlin that the meeting be adjourned at 7:56 PM. Motion carried

Donna M. Campagna
Administrator/Clerk