

**MINUTES**  
**December 21, 2021**

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Mayor McLaughlin presiding with Commissioner answering the roll call. Commissioner Bolan 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.

Mayor McLaughlin 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:** None

**ORDINANCES:** None

**RESOLUTIONS**

**RESOLUTION #2021-244**

**A RESOLUTION TO RATIFY AND APPROVE MINUTES**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

**BE IT RESOLVED**, That the minutes of the Special Meeting of November 30, 2021 be ratified and approved.

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**RESOLUTION #2021-245**

**A RESOLUTION TO DISPENSE WITH READING OF MINUTES**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin:

**BE IT RESOLVED**, That the Clerk dispense with the reading of the minutes of the Special Meeting of November 30, 2021.

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**RESOLUTION 2021-246**

**RESOLUTION AWARDING A CONTRACT TO US GOVBID / AUCTION  
LIQUIDATION SERVICES COMPANY FOR AUCTIONEER SERVICES**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

**WHEREAS**, Local Public Contracts Law, N.J.S.A. 40A-11-36 requires that all such personal property be sold at public auction to the highest bidder; and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

**WHEREAS**, The Borough of Allenhurst intends to utilize the online auction services of US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY, PO Box 1216, Eatontown, NJ 07724; and

**WHEREAS**, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9, 2008-21R – Revised October 2012; and

**WHEREAS**, US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY, PO Box 1216, Eatontown, NJ 07724 submitted a quote to conduct online auction services for six and one half percent (6.5%) of the receipt of sales for the period of one year; and

**NOW, THEREFORE, IT IS RESOLVED** by the Board of Commissioners of the Borough of Allenhurst that the Mayor and Borough Administrator be and they are hereby authorized to execute a contract and any other necessary documents with US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY for Auction Services for six and one half percent (6.5%) of the receipt of sales as described herein.

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**RESOLUTION #2021-247**

**RESOLUTION TO REFUND OVERPAYMENT OF TAXES  
DUE TO A STATE OF NEW JERSEY TAX COURT JUDGMENT**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin:

**WHEREAS**, the Borough of Allenhurst has received from the Tax Court of New Jersey judgment(s) reducing the assessment on certain property for the years indicated and,

**WHEREAS**, the taxes on the certain property for the years indicated are overpaid and,

**BE IT RESOLVED**, by the Board of Commissioners of the Borough of Allenhurst that upon the recommendation of the Tax Collector, the taxes shown below be refunded to the taxpayer shown below due to a State Tax Court Judgment for the years indicated and,

**NOW THEREFORE BE IT RESOLVED**, that the Tax Collector is hereby authorized to refund the overpayment and charge taxes for the years indicated in the total amount of \$4,813.00.

<b>BLOCK</b>	<b>LOT</b>	<b>OWNER</b>	<b>YEAR</b>	<b>AMOUNT</b>
2	3	Ades, Maurice & Lenore % Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	2021	\$3,312.63
37	5	Michael I. Schneck Trustee for: Alex Adjmi Marital Trst 301 South Livingston Ave, Suite 105 Livingston, NJ 07039	2021	\$1,500.37

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**RESOLUTION #2021-248**

**A RESOLUTION TO APPROVE FIRE AND FIRST AID APPOINTMENTS**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin:

**BE IT RESOLVED**, That the following duly elected, named members of the Allenhurst Fire Company #1 and First Aid Squad be granted municipal approval for the positions indicated, for the year 2022:

FIRE DEPARTMENT

Michael Powers	Chief
Kyle Ebbits	1 <sup>st</sup> Assistant Chief
Patrick Harvey II	2 <sup>nd</sup> Assistant Chief
David Belhassen	Captain
Rutledge Varley	Lieutenant

FIRST AID SQUAD

Carla Ward	Captain
Patricia McLoughlin	Lieutenant

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**RESOLUTION #2021-249**

**A RESOLUTION TO AWARD CONTRACT FOR PURCHASE OF GATORS FOR PUBLIC WORKS DEPARTMENT**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin:

**WHEREAS**, The Public Works Director has advised the Board of Commissioners that the Borough is in need of a utility vehicles for use at the Allenhurst Beach Club, and,

**WHEREAS**, The Public Works Director has received a quote from Central Jersey Equipment for two 2022 John Deere XUV835E, at a price of \$27,190.98; and,

**WHEREAS**, Central Jersey Equipment is a member of ESCNJ18/19-25, a Co-op recognized by the State of New Jersey, and this item is being purchased under Contract #65MCESCCPS; and

**Certification of Funds**; I, Wayne M. Sibilia, Chief Financial Officer of the Borough of Allenhurst, do hereby certify that funds in the amount of \$27,190.98 will be available in the following line items: Reserve for American Rescue Plan #1-01-55-019-201, Department of Public Works Equipment #0-01-44-860-200, Department of Public Works Equipment #1-01-44-860-200, and Beach Equipment #0-01-44-860-236 for the purposes stated herein.

**NOW, THEREFORE, BE IT RESOLVED**, That two John Deere XUV835E be purchased from Central Jersey Equipment at a cost of \$27,190.98.

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**RESOLUTION #2021-250**

**A RESOLUTION TO AWARD CONTRACT FOR PURCHASE OF JITNEY FOR PUBLIC WORKS DEPARTMENT**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

**WHEREAS**, The Public Works Director has advised the Board of Commissioners that the Borough is in need of a utility vehicle (jitney), for use by the Borough's Public Works Department; and,

**WHEREAS**, The Public Works Director has received a quote from Cherry Valley Tractor Sales for a Kubota RTV-X1100CWL-H4, at a price of \$19,295.07; and,

**WHEREAS**, Cherry Valley Tractor Sales is a member of the Sourcewell, a Co-op recognized by the State of New Jersey, and this item is being purchased under Contract #12220; and,

**Certification of Funds**; I, Wayne M. Sibilias, Chief Financial Officer of the Borough of Allenhurst, do hereby certify that funds in the amount of \$19,295.07 will be available in the following line items: Reserve for American Rescue Plan #1-01-55-019-201, Department of Public Works Equipment #0-01-44-860-200, Department of Public Works Equipment #1-01-44-860-200, and Beach Equipment #0-01-44-860-236 for the purposes stated herein.

**NOW, THEREFORE, BE IT RESOLVED**, That a Kubota RTV-X1100CWL-H4 be purchased from Cherry Valley Tractor Sales at a cost of \$19,295.07.

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**RESOLUTION #2021-251**

**RESOLUTION TO APPOINT JENNIFER BEAHM, P.E., P.P., C.M.E.,  
C.P.W.M. OF LEON S. AVAKIAN, INC. TO ACT AS BOROUGH  
PLANNER, REDEVELOPMENT PLANNER AND AFFORDABLE  
HOUSING CONSULTANT FOR THE BOROUGH**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin:

**WHEREAS**, the Board of Commissioners of the Borough of Allenhurst has determined that it is in the best interests of the community to acquire the services of a Planner, a Redevelopment Planner and Affordable Housing Consultant, the Board of Commissioners has elected to proceed pursuant to the provisions of N.J.S.A. 19:44A-20.5 respecting the award of professional contracts and the procedures set forth therein; and

**WHEREAS**, the Borough Clerk / Administrator, Donna Campagna has determined and certified in writing that the value of the anticipated professional services will likely exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract shall be from the entry of this Resolution up to December 31, 2022, or for such period of time as is necessary to conclude the Affordable Housing litigation as is presently pending, whichever is longer; and

**WHEREAS**, Jennifer Beahm, P.E., P.P., C.M.E., C.P.W.M. of Leon S. Avakian, Inc. has indicated that she will act as the Borough's Planner, Redevelopment Planner and Affordable Housing Consultant in accordance with the terms of a proposed Agreement, a copy of which is made a part hereof by reference, at the rates set forth therein; and

**WHEREAS**, Jennifer Beahm, P.E., P.P., C.M.E., C.P.W.M. of Leon S. Avakian, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that she and the principals thereof, have not made any reportable contribution to a political or candidate committee for any presently sitting elected Commissioner of the Borough of Allenhurst in the previous one year, and that the contract will prohibit Jennifer Beahm, P.E., P.P., C.M.E., C.P.W.M. of Leon S. Avakian, Inc. and the principals thereof from making any reportable contributions through the term of the Agreement, and

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2022 in the 2022 Temporary Budget and funds for the balance of 2022 will be provided for in the budget

for the year 2022 when finally adopted;

**NOW THEREFORE, BE IT RESOLVED** by the 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 Mayor and Clerk be and are hereby authorized to enter into the Agreement with Jennifer Beahm, P.E., P.P., C.M.E., C.P.W.M. of Leon S. Avakian, Inc. as described and incorporated herein by reference; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published in the Coaster as required by law within ten (10) days from the date hereof; and

**BE IT FURTHER RESOLVED** that the Clerk shall maintain a copy of this Resolution, and the Agreement with the appointee, on file in her Office and make the same available for public inspection during regular business hours.

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

#### **RESOLUTION #2021-252**

#### **A RESOLUTION TO TRANSFER APPROPRIATIONS**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin:

**BE IT RESOLVED**, That the following 2021 appropriations be transferred:

<u>Current Fund</u>	<u>To</u>	<u>From</u>
Beach - OE	\$ 94,000	
Water - OE	1,000	
Finance - OE		\$ 10,000
Engineering - OE		30,000
Group Insurance - OE		15,000
Public Work - S&W		40,000
	<u>\$ 95,000</u>	<u>\$ 95,000</u>

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

#### **RESOLUTION #2021-253**

#### **A RESOLUTION TO HIRE CLASS II OFFICER**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin:

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

**WHEREAS**, Johnathan Pope has applied to the Monmouth County Police Academy to take the Basic Course for Class II Special Law Enforcement Officers; and,

**WHEREAS**, Trainees must be appointed as Class II Special Law Enforcement Officers

prior to enrollment, and the Chief of Police has recommended the hiring of Johnathan Pope as a Class II Special Officer on an as-needed basis; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Allenhurst that Johnathan Pope is hereby appointed as a Class II Officer effective January 1, 2022.

**BE IT FURTHER RESOLVED** that said provisional appointment be compensated at an hourly rate of \$15.00 per hour.

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**RESOLUTION #2021-254**

**RESOLUTION TO APPOINT ANDREW BAYER, ESQ. OF PASHMAN STEIN WALDER HAYDEN, PC. TO ACT AS AFFORDABLE HOUSING CONSULTANT FOR THE BOROUGH**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

**WHEREAS**, in light of the fact that the Borough is engaged in a Superior Court action entitled Power Station at Allenhurst, LLC vs. Borough of Allenhurst, et al. the Board of Commissioners has determined that there is a need to acquire the services of a Special Affordable Housing Consultant to assist the Board of Commissioners and other Borough Counsel. The Board of Commissioners has elected to proceed pursuant to the provisions of N.J.S.A. 19:44A-20.5 respecting the award of professional contracts and the procedures set forth therein; and

**WHEREAS**, the Borough Clerk / Administrator, Donna M. Campagna, R.M.C. has determined and certified in writing that the value of the acquisition will likely exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract shall be for such time as is necessary to bring the aforesaid litigation to a conclusion; and

**WHEREAS**, Andrew Bayer, Esq. of Pashman Stein Walder Hayden, LLC has indicated that he is willing to act as the Borough's Special Affordable Housing Consultant in accordance with the terms of a proposed Agreement, a copy of which is made a part hereof by reference, at the rates set forth therein; and

**WHEREAS**, Andrew Bayer, Esq. of Pashman Stein Walder Hayden, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that he, and the principals of Pashman Stein Walder Hayden, LLC, have not made any reportable contribution to a political or candidate committee for any presently sitting elected Commissioner of the Borough of Allenhurst in the previous one year, and that the contract will prohibit Andrew Bayer, Esq. and the principals of Pashman Stein Walder Hayden, LLC from making any reportable contributions through the term of the Agreement, and

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2022 in the 2022 Temporary Budget and funds for the balance of 2022 will be provided for in the budget for the year 2022 when finally adopted;

**NOW THEREFORE, BE IT RESOLVED** that the 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 Mayor and Clerk be and are hereby authorized to enter into the Agreement with Andrew Bayer, Esq. of Pashman Stein Walder Hayden, LLC as

described and incorporated herein by reference; and

**BE IT FURTHER RESOLVED**, that that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published in the Coaster as required by law within ten (10) days from the date hereof; and

**BE IT FURTHER RESOLVED** that the Clerk shall maintain a copy of this Resolution, and the Agreement with the appointee, on file in her Office and make the same available for public inspection during regular business hours.

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**RESOLUTION #2021-255**  
**A RESOLUTION TO APPROVE EXECUTIVE SESSION**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin:

**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; Mayor McLaughlin-AYE

**RESOLUTION #2021-256**  
**A RESOLUTION TO APPROVE BILLS AND PAYROLL (12-1-2021 to 12-15-2021)**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin:

**BE IT RESOLVED**, That bills and payroll totaling \$372,750.57 be approved for payment; and,

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

VOTE: Comm. McLoughlin -AYE; Mayor McLaughlin-AYE

**ITEMS TO DISCUSS**

The Mayor complimented the Department of Public Works Supervisor on how beautiful; Main Street looks and all the wonderful work that the DPW has been doing.

Comm. McLoughlin asked the status of the Fire/EMS Beach Membership Benefits. Comm. McLoughlin will look at it one more time. There was discussion of further incentives, needs, and implications.

**PUBLIC COMMENTS**

No Public Comments

There being no further business or comments, Comm. McLoughlin moved, seconded by Mayor McLaughlin that the meeting move to executive session at 7:46 PM. Motion carried.

After reconvening, Mayor McLaughlin moved, seconded by Comm. McLoughlin that the meeting be adjourned at 8:55 PM. Motion carried

*Donna M. Campagna*

Donna M. Campagna  
Administrator/Clerk