

**MINUTES**  
**March 26, 2024**

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Mayor McLaughlin presiding, Commissioner McLoughlin, and Commissioner Cumiskey in attendance. 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:**

- Notice from NJAW regarding their Proposed Rate Increase and a public hearing to be held virtually on April 10, 2024.

**ANNOUNCEMENTS:** None

**ORDINANCES**

**ORDINANCES – FINAL READING**

**ORDINANCE #2024-07 – Final Reading**

**ORDINANCE #2024-07**

**CALENDAR YEAR 2024**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK**

**(N.J.S.A. 40A: 4-45.14)**

Offered By: Mayor McLaughlin                      Seconded By: Comm. McLoughlin

**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 2024 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 1% increase in the budget for said year, amounting to \$52,910.11 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 2024 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 3.5%, amounting to \$185,185.39 and that the CY 2024 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

**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,

There were no public comments.

## RESOLUTIONS

## A RESOLUTION TO DISPENSE WITH READING OF MINUTES

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

## A RESOLUTION TO RATIFY AND APPROVE MINUTES

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

## A RESOLUTION TO AWARD CONTRACT FOR LANDSCAPE MAINTENANCE FOR ALLENHURST BOROUGH PARKS

**WHEREAS**, Funds for this purpose will be provided for in the current account known as “Parks & Playgrounds, #4-01-28-796-218”, and the Chief Finance Officer has so certified;

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

## A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #3 FOR BOARDWALK IMPROVEMENTS

**WHEREAS,** The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer's Certificate #3, which is on file in the Clerk's office;

**WHEREAS**, Funds for this purpose shall be provided through the Ordinance “Boardwalk Improvements - Bond Ordinance 2023-09 C-04-55-988-005”, and the CFO has so certified;

**NOW, THEREFORE, BE IT RESOLVED**, That Epic Management, Inc. be compensated in the amount of \$102,557.00 for work done in accordance with the Engineer’s Certificate #2.

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

#### **RESOLUTION #2024-93**

#### **A RESOLUTION TO AWARD CONTRACT FOR PAINTING AT THE ALLENHURST BEACH CLUB**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

**WHEREAS**, There is a need for Painting at the Allenhurst Beach Club; and,

**WHEREAS**, Funds for this purpose will be provided for in the current account known as “Beach Buildings & Grounds”, #4-01-28-797-223”, and the Chief Finance Officer has so certified;

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

CertaPro Painters	\$34,620.00
Productive Painting	Declined to Offer Quote
PNS Construction	Declined to Offer Quote

**THEREFORE, BE IT RESOLVED**, That a contract be awarded to CertaPro Painters for a cost of \$34,620.00, the only quote received for Painting at the Allenhurst Beach Club

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

#### **RESOLUTION #2024-94**

#### **RESOLUTION AUTHORIZING COMPETITIVE CONTRACTING FOR A PROSPECTIVE CONCESSIONAIRE TO OCCUPY AND OPERATE THE “SNACK BAR” AT THE ALLENHURST BEACH CLUB**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

**WHEREAS**, the Board of Commissioners of the Borough of Allenhurst has determined that it is in the best interest of the Borough to seek a concessionaire to operate the snack bar at the Allenhurst Beach Club (ABC); and

**WHEREAS**, N.J.S.A. 40A:11-4.1 of the Local Public Contracts Law allows for Competitive Contracting to be used in lieu of public bidding for procurement of specialized goods and services the price of which exceeds the bid threshold, for concessionaire services; and

**WHEREAS**, the Borough of Allenhurst would like to utilize competitive contracting for the snack bar concessionaire services, in the hope of reinstating that service for the membership of the ABC; and

**WHEREAS**, N.J.S.A. 40A:11-4.3(a) requires that in order to initiate competitive contracting, the Governing Body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 are desired to be contracted; and

**WHEREAS**, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process shall be administered by a purchasing agent qualified pursuant to N.J.S.A. 40A:11-9, or by legal counsel of the contracting unit, or by an administrator of the contracting unit.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Allenhurst, in the County of Monmouth, New Jersey 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 administrator be and is hereby authorized to initiate competitive contracting to seek a concessionaire to occupy and operate the “snack bar” at the Allenhurst Beach Club (ABC).

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

**RESOLUTION #2024-95**

**A RESOLUTION TO APPROVE RACE IN BOROUGH OF ALLENHURST**

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

**WHEREAS**, Permission has been requested to run the Annual Terry Bolan 5K through the Borough of Allenhurst on Saturday June 22; and,

**WHEREAS**, This race is being run in honor of former Beloved Former Commissioner Terrence J. Bolan; and,

**WHEREAS**, Proceeds of this race will benefit the Allenhurst Fire Department and EMS, as well as the Allenhurst Parks; and,

**WHEREAS**, The Police Chief has reviewed the information given for this event and has recommended approval of same;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners, that approval is hereby given to the run the Annual Terry Bolan 5K through Allenhurst on Saturday June 22, 2024.

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

**RESOLUTION #2024-96**

**A RESOLUTION TO APPROVE AN APPLICATION FOR A LOCAL EFFICIENCY ACHIEVEMENT PROGRAM GRANT**

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

**WHEREAS**, the State of New Jersey has appropriated \$7.5 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

**WHEREAS**, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

**WHEREAS**, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

**WHEREAS**, the Borough of Allenhurst and the County of Monmouth propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

**WHEREAS**, the purpose of this shared services agreement is to provide dispatch services, which, which will benefit the residents of participating local units; and

**WHEREAS**, the Borough of Allenhurst has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Allenhurst, that the Borough of Allenhurst will apply for a LEAP Implementation Grant in the amount of \$400,000 to support implementation of this shared service on behalf of itself, and on behalf of the County of Monmouth and if awarded and upon execution of said Agreement, the Borough of Allenhurst does accept the Terms and Conditions specified in the Agreement in connection to this grant award.

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

**RESOLUTION #2024-97**

**A RESOLUTION TO APPROVE EXECUTIVE SESSION**

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

**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. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2024-98**

**RESOLUTION OF THE BOROUGH OF ALLENHURST, IN  
THE COUNTY OF MONMOUTH, NEW JERSEY,  
DESIGNATING A REDEVELOPER AND AUTHORIZING  
THE EXECUTION OF A REDEVELOPMENT AGREEMENT  
FOR THE PROPERTY KNOWN AS BLOCK 18, LOT 1;  
BLOCK 21, LOTS 5 AND 6 AND BLOCK 31, LOT 3 ON THE  
OFFICIAL TAX MAPS OF THE BOROUGH**

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

**WHEREAS**, the Borough of Allenhurst (the “**Borough**”) is a political subdivision of the State of New Jersey, located in the County of Monmouth; and

**WHEREAS**, on November 15, 2004, in accordance with the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**LRHL**”), the Board of Commissioners of the Borough (the “**Commissioners**”) designated certain property fronting on Main Street or Deal Lake, consisting of Block 18, Lot 1, Block 19, Lots 1 and 2, Block 21, Lots 2, 3, 5, 6, 8, 9, 10, 11, 12 and 13, and Block 31, Lot 3 on the official tax maps of the Borough, as an area in need of redevelopment (as further described in the hereinafter defined Redevelopment Plan, the “**Redevelopment Area**”); and

**WHEREAS**, in accordance with the provisions of the LRHL, the Commissioners enacted the “Main Street Redevelopment Plan” dated October 2006 (and as amended November 2007) for the Redevelopment Area; and

**WHEREAS**, on July 22, 2021, Power Station at Allenhurst, LLC (“**Power Station**”), filed a Mount Laurel exclusionary zoning suit with the Superior Court of New Jersey (the “**Court**”), captioned Power Station at Allenhurst, LLC v. Borough of Allenhurst; Board of Commissioners of the Borough of Allenhurst; and Allenhurst Planning Board, Docket No. MON-L-2551-21, seeking to compel the Borough to provide a realistic opportunity for the construction of affordable housing for very-low, low and moderate income households and to meet the Borough’s fair share of the housing region’s need for such housing, in addition to related relief in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 and Mount Laurel jurisprudence (the “**Builder’s Remedy Action**”); and

**WHEREAS**, the parties to the Builder’s Remedy Action entered into a Settlement Agreement dated February 23, 2023 (the “**Settlement Agreement**”), pursuant to which the Borough Power Station agreed to, among other things, enter into good faith negotiations for the execution of a redevelopment agreement consistent with the Redevelopment Plan; and

**WHEREAS**, after a duly noticed Fairness Hearing held on July 6, 2023 before the Honorable Linda Grasso Jones, J.S.C., the Court approved the Settlement Agreement as reflected in a Court Order dated July 31, 2023; and

**WHEREAS**, on February 13, 2024, in accordance with the provisions of the LRHL and in furtherance of the terms of the Settlement Agreement, the Commissioners adopted Ordinance #2024-05 (the “**Redevelopment Plan Ordinance**”), enacting the “Main Street Redevelopment Plan 2023” (as the same may be amended and supplemented from time to time, the “**Redevelopment Plan**”); and

**WHEREAS**, Power Station is the fee simple record title owner of that certain real property located within the Redevelopment Area formally identified on the official tax maps of the Borough as Block 18, Lot 1 (the “**East Side**”) and Block 21, Lots 5 and 6 (which includes former Lot 7) (the “**West Side**”) and commonly known as 315 Hume Street and 500-523 Main Street, and the Borough is fee simple record title owner of that certain property located within the Redevelopment Area formally identified on the office tax maps of the Borough as Block 31, Lot 3 (the “**Lake Drive Property**”) and commonly known as Lake Drive; and

**WHEREAS**, the Borough will, at its sole cost, subdivide the Lake Drive Property into four (4) lots (the “**Lake Drive Subdivision**”), including three (3) lots that will be retained by the Borough (the “**Borough Retained Lots**”) and one (1) lot that the Borough will contribute and dedicate in fee simple interest to Power Station (“**Lake Drive**” and, together with the East Side and the West Side, the “**Property**”), which Lake Drive shall be deed restricted for the development of up to 23 affordable housing units, and no less than 20 affordable housing units in accordance with the requirements of the Settlement Agreement, and upon which Redeveloper shall construct the hereinafter defined Lake Drive Project; and

**WHEREAS**, Power Station has an easement right to use a portion of that certain real property located within the Redevelopment Area formerly identified on the official tax maps of the Borough as Block 21, Lot 4 (now merged with Lot 3), which is currently owned by JCP&L, for parking; and

**WHEREAS**, Power Station proposes to (i) Remediate (as defined herein) the Property pursuant to the terms hereof, (ii) raze the structures on the West Side, and together with new construction, to implement 62 residential market-rate for sale or rental units, as more specifically described in Section 4.1(a) of the hereinafter defined Redevelopment Agreement, together with structured and surface parking, ground floor retail and amenity space (the “**West Side Project**”), (iii) raze the structures on the East Side and improve the East Side with 28 market-rate for-sale townhouse units, related surface parking, and other on-site and off-site improvements, as more specifically described in Section 4.1(a) of the Redevelopment Agreement (the “**East Side Project**”), and (iv) raze structures on Lake Drive (excluding removal of existing cellular equipment atop the existing water tower) and improve Lake Drive with up to 23 affordable housing units, and no less than 20 affordable housing units in accordance with the requirements of the Settlement Agreement, related surface parking, and other on-site and off-site improvements, as more specifically described in Section 4.1(a) of the Redevelopment Agreement (the “**Lake Drive Project**” and, together with the West Side Project and East Side Project, the “**Project**”); and

**WHEREAS**, Power Station will design, finance, construct, and implement the Project; and

**WHEREAS**, Power Station has represented that it possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, the LRHL, the hereinafter defined Redevelopment Agreement and all other applicable laws, ordinances, and regulations; and

**WHEREAS**, in order to effectuate the Settlement Agreement, the Redevelopment Plan and the redevelopment of the Property, the Borough has determined to enter into a redevelopment agreement with Power Station (substantially in the form on file in the office of the Borough Clerk, the “**Redevelopment Agreement**”), which designates Power Station as the “redeveloper” of the Property in accordance with the LRHL (the “**Redeveloper**”), and which specifies the respective rights and responsibilities of the Borough and the Redeveloper with respect to the Project.

**NOW THEREFORE BE IT RESOLVED** by the Borough Commissioners of the Borough of Allenhurst, in the County of Monmouth, New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Redeveloper is hereby designated as the “redeveloper” of the Property pursuant to the LRHL.

**Section 3.** The Mayor is hereby authorized and directed to execute the Redevelopment Agreement, in substantially the form on file in the office of the Borough Clerk, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's general counsel, redevelopment counsel and other Borough professionals.

**Section 4.** The Borough Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 3 hereof, to attest to the signature of the Mayor upon such agreement and is hereby further authorized and directed to affix the corporate seal of the Borough upon such agreement. Upon execution and attestation of same, the Mayor is hereby authorized to deliver the Redevelopment Agreement to the other party thereto.

**Section 5.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

**Section 6.** This Resolution shall take effect immediately.

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

#### **RESOLUTION #2024-99**

#### **A RESOLUTION TO APPROVE BILLS (3-13-2024 to 3-26-2024)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

**BE IT RESOLVED**, That bills totaling \$446,627.06 be approved for payment; and,  
**BE IT FURTHER RESOLVED**, That the March 26, 2024 consolidated bill list be attached hereto and made a part thereof.

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

## **ITEMS FOR DISCUSSION**

The Mayor thanked the Fire/EMS, DPW, Police and Borough Hall Staff for all their work on the Egg Hunt and Breakfast.

The Mayor commended the Fire/EMS on their handling of the recent fire on Hume Street. He stated he was also grateful for the mutual aid received from the neighboring towns. It was a serious fire and due to everyone's efforts the fire did not spread and was brought under control quickly.

The Mayor stated that the Borough received only one proposal back on the RFP (Request for Proposal) for ABC Beach Sundries. He explained that the Board of Commissioners would now score the proposal. If an adequate score is achieved the contract will be awarded at the next Board of Commissioners Meeting.

The Commissioner commenced scoring the proposal received from the Danielle Group LLC, DBA Dani Risi. The resulting score were:

Commissioner McLoughlin – 44

Mayor McLaughlin – 45

Comm. Cumiskey – 44

The Mayor advised these were adequate scores to award the contract for the 2024 Beach Sundries to the Danielle Group LLC, DBA Dani Risi.

The Mayor discussed the resolution to authorize competitive contracting for a snack bar at the Allenhurst Beach Club for the 2024 Season. The Mayor advised that he read the email which was provided by resident Theresa Santoro from a vendor who might be interested. The Mayor stated that the vendor did indicate that they would only be interested in submitting a proposal only if the contract included a guarantee of profit from the Borough. The Mayor advised that the Borough cannot legally provide that guarantee to anyone.

The Mayor also stated that other municipalities are also experiencing difficulties successfully obtaining adequate proposals for snack bars at their pools and beaches. Since the pandemic and the convenience and availability of services such as door dash, it has become increasingly difficult for beachside snack bars to be viable.

The Mayor stated that, given all of the above, we will see if any viable proposals are received.

The Mayor also stated that this vendor is being sought for only one year. When proposals are requested for the Allenhurst Beach Club Restaurant, later in the year, the desire is to have the Restaurant vendor also provide snack bar services.

## **PUBLIC COMMENTS**

Joe Dweck, of Allen Ave, asked why a contract for Landscape Maintenance was being approved. He stated he thought the public works employees mowed the grass. The Mayor advised that during the springtime, the public works employees are quite busy preparing the beach club for opening. Contracting out for a company to do the work is less expensive than hiring additional employees to perform the task.

Mr. Dweck also inquired about the snack bar RFP Process. The Borough Administrator advised that packets will be available for pick-up as of Thursday, March 28. The time constraints for submission and approval are tight to potentially get a vendor in place.

Comm. McLoughlin added that Borough has had very poor experiences with several of the last vendors. Frustrations include that business is quite slow during the week, and they are exclusively for beach club members with no access to servicing the public. He stated that other vendors never made any money. He advised that he was in favor of waiting on a snack bar until the Restaurant proposals are requested.

Mr. Dweck also inquired about the resolution for the Local Efficiency Grant. The Mayor explained that the Borough is applying for a grant to cover the police radios. The grant is not guaranteed, but the Borough has had great luck with grants in the past.

There being no further business or comments, Mayor McLaughlin moved, seconded by Comm. Cumiskey that the meeting move to executive session at 7:55PM. Motion carried.

After reconvening, Comm. Cumiskey moved, seconded by Mayor McLaughlin that the meeting be adjourned at 9:15 PM. Motion carried.

***Donna M. Campagna***

Donna M. Campagna  
Administrator/Clerk