

**MINUTES  
JANUARY 4, 2011**

The Meeting of the Board of Commissioners was held on the above date with Mayor McLaughlin presiding and Commissioners Bolan and McLoughlin answering the roll call. Also in attendance was the Borough Clerk.

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.

**RESOLUTION #1**

**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 December 14, 2010, be ratified and approved.

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

**RESOLUTION #2**

**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 minutes of the regular meeting of December 14, 2010.

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

**RESOLUTION #3**

**A RESOLUTION TO TRANSFER APPROPRIATIONS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following 2010 appropriations be transferred:

<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>AMOUNT</u></b>
Engineering, O.E.	Administration, O.E.	265.00
Planning Board, O.E.	Finance, O.E.	500.00
Fire Department, O.E.	Finance, O.E.	560.00
Celebration of Public Events	MOMV	60.00
Celebration of Public Events	Electricity	1,040.00
Celebration of Public Events	Telephone	1,700.00

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

**RESOLUTION #4**

**A RESOLUTION TO APPOINT OFFICIALS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following officials of the Borough of Allenhurst are hereby appointed effective January 1, 2010, through December 31, 2010:

Borough Administrator	Lori L. Osborn
Deputy Borough Clerk	Veronica Dahl
Code Official	Robert Simmen, III
Fire Official	Robert Simmen, III
Dep. Fire Official	Robert Todd
Borough Treasurer	Kevin Rogers
Public Works Supervisor	Douglas Caron
Recycling Coordinator	Douglas Caron
Deputy Borough Treasurer	Veronica Dahl
Mercantile License Officer	Lori L. Osborn
Municipal Court Admin.	Robin Deibert
Deputy Court Administrator	Mary Ellen Supon
Violations Clerk	Lisa Casler
Zoning Officer	Christopher Rogers
Community Development Rep.	Lori L. Osborn
Dep. Comm. Development Rep.	Veronica Dahl
Public Agency Compliance Officer	Lori L. Osborn
Personnel Officer	Lori L. Osborn
Fund Commissioner (JIF)	Lori L. Osborn
ADA Compliance Officer	Lori L. Osborn
Assessment Search Officer	Lori L. Osborn
Tax Search Officer	Carla Tomas
Sewer System Operator	Paul Quinn
TAC Officer	Joy More
Deal Lake Representative	Bruce Fromer
Alt. Deal Lake Representative	Roseanne Coyne
Right to Know Coordinator	Paul Quinn
Certified Pool Operator	Christopher Rogers
Certified Pool Operator	Marc Heitmueller
Sewer Collector	Lori L. Osborn

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

## **RESOLUTION #5**

### **A RESOLUTION TO APPOINT BOROUGH ATTORNEY**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, the Borough of Allenhurst has a need to acquire the services of a Borough Attorney for 2011 and 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 Administrator, Lori Osborn has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is for 1 year; and

**WHEREAS**, Birdsall & Laughlin, LLC has indicated that they will act as Borough Attorney at the rate of \$150.00 per hour for all services rendered; and

**WHEREAS**, Birdsall & Laughlin, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Barbara Birdsall & David Laughlin of Birdsall & Laughlin, LLCn 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 Barbara Birdsall and David Laughlin of Birdsall & Laughlin from making any reportable contributions through the term of the contract, and

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided for in the budget for the year 2011 when finally adopted;

**NOW THEREFORE, BE IT RESOLVED** that the Commissioners of the Borough of Allenhurst hereby authorizes the Mayor and Clerk to enter into a contract with Birdsall & Laughlin, LLC, as described herein; 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 and 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; Comm. Bolan-AYE; Mayor McLaughlin-AYE

## **RESOLUTION #6**

### **A RESOLUTION TO APPOINT BOROUGH ENGINEER**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, the Borough of Allenhurst has a need to acquire the services of a Borough Engineer for 2011 and 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 Administrator, Lori Osborn has determined and certified in writing that the value of the acquisition will probably exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is for 1 year; and

**WHEREAS**, Peter R. Avakian, PE, PP, of Leon S. Avakian, Inc., has indicated that he

will act as Borough Engineer at the rate of \$125.00 per hour for principal engineer and an hourly rate for all others as set forth in a contract on file in the Borough Clerk=s office; and,

**WHEREAS**, Peter Avakian, PE, PP of Leon S. Avakian, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Peter R. Avakian, PE, PP of Leon S. Avakian, Inc., has not made any reportable contributions 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 Peter R. Avakian, PE, PP, of Leon S. Avakian from making any reportable contributions through the term of the contract, and

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided for in the budget for the year 2011 when finally adopted;

**NOW THEREFORE, BE IT RESOLVED** that the Commissioners of the Borough of Allenhurst hereby authorizes the Mayor and Clerk to enter into a contract with Peter R. Avakian, PE, PP, of Leon S. Avakian, Inc., as described herein; 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 and 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; Comm. Bolan-AYE; Mayor McLaughlin-AYE

#### **RESOLUTION #7**

#### **A RESOLUTION TO APPOINT BOROUGH AUDITOR**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, the Borough of Allenhurst has a need to acquire the services of a Borough Auditor for 2011 and 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 Administrator, Lori Osborn has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is for 1 year; and

**WHEREAS**, William Antonides of William Antonides & Company has indicated that he will act as Borough Auditor at the rate of \$110.00 per hour for partner services and a rate for all other work as set forth in a contract on file in the Borough Clerk=s office; and,

**WHEREAS**, William Antonides of William Antonides & Company has completed and submitted a Business Entity Disclosure Certification which certifies that William Antonides of William Antonides & Company has not made any reportable contributions 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 William Antonides of William Antonides & Company from making any reportable contributions through the term of the contract, and

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2011

in the 2011 Temporary Budget and funds for the balance of 2011 will be provided for in the budget for the year 2011 when finally adopted;

**NOW THEREFORE, BE IT RESOLVED** that the Commissioners of the Borough of Allenhurst hereby authorizes the Mayor and Clerk to enter into a contract with William Antonides of William Antonides & Company as described herein; 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 and 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; Comm. Bolan-AYE; Mayor McLaughlin-AYE

### **RESOLUTION #8**

#### **A RESOLUTION TO APPOINT REDEVELOPMENT ATTORNEY**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, the Borough of Allenhurst has a need to acquire the services of a Redevelopment Attorney for 2011 and 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 Administrator, Lori Osborn has determined and certified in writing that the value of the acquisition may exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is for 1 year; and

**WHEREAS**, Paul Fernicola, Esq., has indicated that he will act as Redevelopment Attorney at the rate of \$150.00 per hour for all services rendered; and,

**WHEREAS**, Paul Fernicola, Esq., has completed and submitted a Business Entity Disclosure Certification which certifies that Paul Fernicola Esq., has not made any reportable contributions 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 Paul Fernicola, Esq., from making any reportable contributions through the term of the contract, and

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided for in the budget for the year 2011 when finally adopted;

**NOW THEREFORE, BE IT RESOLVED** that the Commissioners of the Borough of Allenhurst hereby authorizes the Mayor and Clerk to enter into a contract with Paul Fernicola, Esq., described herein; 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 and 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; Comm. Bolan-AYE; Mayor McLaughlin-AYE

**RESOLUTION #9**

**A RESOLUTION TO APPOINT BOND ATTORNEY**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, There exists a need for specialized legal services in connection with the authorization and the issuance of bonds and other obligations and other matters relating to capital financing by the Borough of Allenhurst, County of Monmouth, New Jersey (herein the "Borough"); and,

**WHEREAS**, Such specialized legal services can be provided only by a recognized Bond Counsel firm, and the law firm of Dilworth Paxson, LLP, Neptune, New Jersey, is so recognized by the financial community; and,

**WHEREAS**, the Borough Administrator, Lori Osborn has determined and certified in writing that the value of the acquisition may exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is for 1 year; and

**WHEREAS**, Dilworth Paxson, LLP, Neptune, New Jersey, has indicated they will act as Bond Attorney at a fee set forth in an Agreement on file with the Borough Clerk; and,

**WHEREAS**, Dilworth Paxson, LLP, Neptune, New Jersey, has completed and submitted a Business Entity Disclosure Certification which certifies that Dilworth Paxson, LLP, Neptune, New Jersey, has not made any reportable contributions 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 Dilworth Paxson, LLP, Neptune, New Jersey, from making any reportable contributions through the term of the contract, and

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided for in the budget for the year 2011 when finally adopted;

**NOW THEREFORE, BE IT RESOLVED** that the Commissioners of the Borough of Allenhurst hereby authorizes the Mayor and Clerk to enter into a contract with Dilworth Paxson, LLP, Neptune, New Jersey, for professional services in connection with the preparation of all bond ordinances and the authorization and issuance of all bonds, bond anticipation notes, tax anticipation notes or similar obligations and related matters of capital and debt financing by the Borough; 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 no appropriation of funds is required at this time, payment coming from the proceeds of the sale of bonds, bond anticipation notes and tax anticipation notes or similar obligations or from capital authorizations or other appropriate budgeted items in accordance with the Contract on file in the Borough Clerk's office; 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 and 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; Comm. Bolan-AYE; Mayor McLaughlin-AYE

**RESOLUTION #10**

**A RESOLUTION TO APPOINT PROFESSIONALS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, There exists a need for professionals for the year 2011; and,

**WHEREAS**, The Borough Administrator has certified in writing that the value of the acquisitions will not exceed \$17,500; and,

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided for in the budget for the year 2011 when finally adopted, and the Treasurer has so certified; and,

**WHEREAS**, These appointments are being made without competitive bidding because the appointments involve members of recognized professions, licensed and regulated by law, pursuant to NJSA 40A:11-5;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst that the Mayor and Borough Clerk be and they are hereby authorized and directed to engage the services of the following professionals:

Municipal Prosecutor:  
Assistant Prosecutor  
Borough Physicians

Martin McGreevey, Esq.  
James Carton, IV  
Dr. Steven Crawford & Dr. Al Cabasso  
Of Meridian Occupational  
David Gardner, Esq.  
Jason Volet

Chief Public Defender  
Deputy Public Defender

for a term commencing January 1, 2011, through and including December 31, 2011; and,

**BE IT FURTHER RESOLVED**, That these appointments are contingent upon approval of professional contracts from each appointee; and,

**BE IT FURTHER RESOLVED**, That the Borough Clerk be and he is authorized and directed to publish this resolution in accordance with NJSA 40A:11-1.

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

**RESOLUTION #11**

**A RESOLUTION TO APPOINT TAX COLLECTOR**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, By the Commissioners of the Borough of Allenhurst, that Carla Tomas be appointed Tax Collector for the Borough of Allenhurst for a four year term beginning January 1, 2011 and expiring on December 31, 2014.

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

**RESOLUTION #12**

**A RESOLUTION TO APPOINT TAX SEARCH OFFICER**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, By the Commissioners of the Borough of Allenhurst, that Carla Tomas, the Certified Tax Collector of the Borough of Allenhurst, be and hereby is designated as the Tax Search Officer of the Borough to make and certify Certificates of Searches of the Borough Liens as may be required under and by virtue of NJSA 54:5-11 and to become effective January 1, 2011.

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

**RESOLUTION #13**

**A RESOLUTION TO APPOINT MUNICIPAL COURT JUDGE**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That George Cieri be and he is hereby appointed Municipal Court Judge for the Borough of Allenhurst for a three-year term commencing on January 1, 2011 and expiring December 31, 2013.

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

**RESOLUTION #14**

**A RESOLUTION TO APPROVE INTEREST RATE ON DELINQUENT TAXES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That upon the recommendation of the Borough Tax Collector, Carla Tomas, interest at the rate of eight per centum (8%) per annum be charged on the first \$1,500.00 of the delinquency and eighteen per centum (18%) per annum on any amount in excess of \$1,500.00 be charged on the first quarterly installment of taxes for the year 2011 after February 1, 2011 and on the second quarterly installment after May 1, 2011 and on the third quarterly installment after August 2, 2011 and on the fourth quarterly installment after November 1, 2011, provided that no interest shall be charged if payment of any installment is made within the fifth calendar day following the date upon which the same became payable and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency as provided for in NJSA 54:4-67; and,

**BE IT FURTHER RESOLVED**, As to tax sale certificates, the Tax Collector is hereby directed to collect 2% when the taxes, interest and costs shall exceed the sum of \$200.00. When the taxes, interest and costs shall exceed the sum of \$5,000.00, such additional sum shall be equal to 4% of such amount paid; and when that sum exceeds \$10,000.00, such additional sum shall be equal to 6% of such amount paid as provided for in NJSA 54:5-61 and shall become effective immediately.

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



### **RESOLUTION #15**

#### **A RESOLUTION TO APPROVE INTEREST RATE ON DELINQUENT SEWER**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That upon the recommendation of the Borough Sewer Collector, Lori L. Osborn, interest at the rate of eight per centum (8%) per annum be charged on the first \$1,500.00 of the delinquency and eighteen per centum (18%) per annum on any amount in excess of \$1,500.00 be charged on the first quarterly installment of sewer charges for the year 2011 after February 1, 2011 and on the second quarterly installment after May 1, 2011 and on the third quarterly installment after August 2, 2011 and on the fourth quarterly installment after November 1, 2011 provided that no interest shall be charged if payment of any installment is made within the thirtieth calendar day following the date upon which the same became payable and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency as provided for in NJSA 54:4-67; and,

**BE IT FURTHER RESOLVED**, As to tax sale certificates, the Sewer Collector is hereby directed to collect 2% when the sewer charges, interest and costs shall exceed the sum of \$200.00. When the sewer charges, interest and costs shall exceed the sum of \$5,000.00, such additional sum shall be equal to 4% of such amount paid; and when that sum exceeds \$ 10,000. 00, such additional sum shall be equal to 6% of such amount paid as provided for in NJSA 54:5-61 and shall become effective immediately.

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

### **RESOLUTION #16**

#### **A RESOLUTION TO APPOINT OFFICIALS AND MEMBERS OF ALLENHURST FIRE CO. & FIRST AID**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**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 2011:

##### **FIRE DEPARTMENT**

Frank Manfredi  
Daniel Gulick  
Michael Powers  
William Reng  
Patrick Harvey

Chief  
First Assistant Chief  
Second Assistant Chief  
Captain  
Lieutenant

##### **FIRST AID SQUAD**

John Hansen  
Richard Heitmueller

Captain  
Lieutenant

**BE IT FURTHER RESOLVED**, That the following named members be appointed Fire Police Officers:

James Vaccaro  
Joseph Montedoro

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

#### **RESOLUTION #17**

#### **A RESOLUTION TO CONFIRM PLANNING BOARD MEMBERS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following are hereby appointed members of the Planning Board for the terms indicated:

##### Class I Member

David J. McLaughlin for a term expiring December 31, 2011

##### Class II Member

Kevin G. Rogers for a term expiring December 31, 2011

##### Class III Member

Christopher J. McLoughlin for a term expiring December 31, 2011

##### Class IV Member

Joel Fleming for a four year term expiring December 31 2014

Gerry Ann Varley for a four year term expiring December 31, 2014

##### Alternates

#2 – Robert Scally for a two year term expiring December 31, 2012

#3 – Anthony Mauro for a two-year term expiring December 31, 2012

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

#### **RESOLUTION #18**

#### **A RESOLUTION TO AWARD CONTRACT FOR SNACK BAR**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, On November 30, 2010, 2006, bids were received for lease of the Allenhurst Beach Club Snack Bar; and,

**WHEREAS**, Only one bid was received from G.S.K. & J. Concessions at \$13,000.00 per year for a three-year period with options for two additional one year periods, and the Business Administrator has recommended award of the contract;

**THEREFORE, BE IT RESOLVED**, That a contract be awarded to Gavin DeCapua, t/a GSK & J Concessions, for lease of the Allenhurst Snack Bar for an initial three year period, with two-one year renewal options, beginning with the 2011 beach club season, at a price of \$13,000.00 per year, the only bid received.

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

#### **RESOLUTION #19**

##### **A RESOLUTION TO CANCEL OUTSTANDING BALANCES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following balances be canceled from the Municipal Court Account as they are over six months old:

<u>Check #</u>	<u>Amount</u>	<u>Date</u>
4854	\$ 1.00	5/04/10
4856	\$ 5.00	5/04/10
4865	\$10.00	6/07/10
4866	\$ 1.00	6/07/10

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

#### **RESOLUTION #20**

##### **A RESOLUTION TO HIRE SCHOOL BUS DRIVER**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, Pat Callano, School Bus Driver, will retire as of January 1, 2011; and,  
**WHEREAS**, The Borough currently participates in an Interlocal Contract with the Allenhurst Board of Education, whereby the Borough provides school bus driver services; and,  
**WHEREAS**, the Borough advertised for a school bus driver and the Administrator has interviewed candidates and made a recommendation to the Board of Commissioners on the hiring of a new driver and the Board does concur; and,

**WHEREAS**, Funds for this purpose will be provided through an Interlocal Agreement with the Allenhurst Board of Education, and the Chief Finance Officer has so certified;

**THEREFORE, BE IT RESOLVED**, That William F. Parlman, who is certified as a school bus driver, having all his endorsements, including air brake and who has successfully passed his pre-employment drug test, be hired as a school bus driver for a period beginning January 17, 2011 and ending on June 30, 2011.

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

### **RESOLUTION #21**

#### **A RESOLUTION TO PAY BILLS & PAYROLL (12/16/10 - 12/31/10)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That bills and payrolls totaling \$17,228.23 be approved for payment; and,

**BE IT FURTHER RESOLVED**, That the December 28th consolidated bill list be attached hereto and made a part thereof.

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

### **RESOLUTION #22**

#### **A RESOLUTION TO APPROVE MEETING DATES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That pursuant to the Open Public Meetings Act, the Board of Commissioners of the Borough of Allenhurst adopts the following schedule of meetings for the year 2011, said meetings to be held at Borough Hall, 125 Corlies Avenue, on the dates listed at 7:30 P.M., unless otherwise indicated:

January 25	June 14	October 11
February 8	June 28	October 25
February 22	July 12	November 10 (Thursday)
March 8	July 26	November 22
March 22	August 9	December 13
April 12	August 23	December 27
April 26	September 13	
May 10	September 27	January 10, 2012
May 25		

**BE IT FURTHER RESOLVED**, That the Borough Clerk be and she is hereby authorized to publish this resolution in accordance with the Open Public Meetings Act.

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

### **RESOLUTION #23**

#### **A RESOLUTION TO APPROVE NEWSPAPERS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the Coaster and the Asbury Park Press be designated as the official newspapers for the insertion of legal notices for the Borough of Allenhurst.

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

**RESOLUTION #24**

**A RESOLUTION TO APPROVE UNEXPENDED BALANCES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, NJSA 40:A-4, The Local Budget Law, permits budget appropriations to be reserved for expenditures that are now encumbered prior to the close of the fiscal year, or for those undetermined charges from 2010 that will be paid in 2011;

**NOW, THEREFORE, BE IT RESOLVED**, That the Board of Commissioners of the Borough of Allenhurst hereby reserve all unexpended balances from the 2010 Budget for all unpaid claims for 2010.

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

**RESOLUTION #25**

**A RESOLUTION TO APPROVE DEPOSITORIES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, Pursuant to Chapter 8, Laws of 1982, the Borough of Allenhurst is required to adopt a Cash Management Plan, including the Designation of a Depository or Depositories;

**THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, that Central Jersey Bank, N.A. and State of New Jersey Cash Management Fund, C/O Citi Fund Services, or their successors be and are designated as official depository of Borough funds; and,

**BE IT FURTHER RESOLVED**, That the funds of the Borough shall be invested in interest bearing accounts. The Chief Finance Officer shall see that minimum funds shall be maintained in any non-interest bearing account in such amounts as the Chief Finance Officer shall deem necessary to provide the orderly transition of business by the Borough and to take advantage of any services provided to the Borough by the depository through maintenance of minimum balances in said accounts where the Chief Finance Officer deems it in the best interest of the Borough to do so.

All other monies shall be invested in interest bearing accounts, in investments in which municipal funds may lawfully be invested or in the State of New Jersey Cash Management Fund in such accounts and at such times, from time to time, and the Chief Finance Officer shall deem in the best interest of the Borough; and,

**BE IT FURTHER RESOLVED**, That the Auditor receive a copy of this resolution.

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

## **RESOLUTION #26**

### **A RESOLUTION TO AUTHORIZE TAX SALE LIENS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, There remains on the records of the Borough of Allenhurst delinquent taxes, sewer utility charges and other municipal charges owing as of December 31, 2010; and,

**WHEREAS**, The statutes of the State of New Jersey, expressly NJSA 54:5 et seq., provide for the enforcement and collection of such delinquencies through a tax lien sale; and,

**WHEREAS**, The Tax Collector is empowered by statute to conduct and preside over the sale of liens;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, a Municipal Corporation of the State of New Jersey, that the Borough Tax Collector is authorized to conduct a tax lien sale for 2010 delinquent taxes, sewer utility charges and other municipal charges on or before December 31, 2011 and to become effective January 1, 2011.

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

## **RESOLUTION #27**

### **A RESOLUTION TO APPROVE CASH MANAGEMENT PLAN**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, N.J.S.A. 40A: 5-14 requires that every local unit adopt a Cash Management Plan, and

**WHEREAS**, the primary objectives of the plan are to preserve the safety of Public funds, seek investment instruments that offer liquidity and maximize interest revenue through authorized legal depositories and approved investment instruments,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Allenhurst, County of Monmouth, State of New Jersey the following Cash Management Plan for the Borough of Allenhurst be adopted.

### **BOROUGH OF ALLENHURST** **CASH MANAGEMENT PLAN**

#### **INTRODUCTION**

The New Jersey Local Fiscal Affairs Law, N.J.S.A 40A: 5-14 requires that every local unit adopt a Cash Management Plan and shall deposit its funds pursuant to that plan. The primary objective of the plan are to preserve the safety of public funds, seek investment instruments that offer liquidity and maximize interest revenue through the use of authorized legal depositories and approved investment instruments.

#### **I. AUTHORITY**

- a. Borough Council of the Borough of Allenhurst, County of Monmouth.

b. Delegation of Authority B Authority to implement the investment program is granted to the Chief Financial Officer. The Chief Financial Officer shall act in accordance with the requirements of the Cash Management Plan, New Jersey Statutes and proper use of internal controls. No other persons may engage in investment transactions except for those subordinate officials of the Chief Financial Officer.

## **II. STATEMENTS OF POLICY**

It shall be the policy of the Borough of Allenhurst, County of Monmouth to adopt a Cash Management Plan, and to authorize the Chief Financial Officer to administer said Plan, for the purpose of deposit and investment of the maximum of available funds in interest bearing instruments. The investment instruments shall be safe, liquid and offer market yields.

Safety of principal is the foremost objective of the Cash Management Plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital.

The utilized investment instruments shall remain sufficiently liquid to meet all operating cash requirements that may be reasonably anticipated.

Investments shall be planned with the objective of attaining a market rate, while taking into account legal restriction, risk and liquidity. Return on investment is secondary importance compared to safety.

## **III. DEFINITIONS**

AArbitrage@ refers to the rules and regulation governing the issuance of Bonds or Notes and the reinvestment of the proceeds at a higher yield. These regulations are promulgated by the Internal Revenue Service, regulation 1.103.

ACash Management Fund@ is the New Jersey Cash Management Fund. This Fund is one of a number of funds invested by the New Jersey Division of Investments of the Department of Treasury under the jurisdiction of the State Investment Council. The Fund is authorized to receive the invest local unit funds pursuant to N.J.S.A. 40A:5-14.

ACertificate of Eligibility@ is the certification issued by the New Jersey Department of Banking. Division of Banking that a public depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, GUDPA.

ACompensating Balance Account@ is a bank account at an eligible depository which pays no interest or interest lower than 2 of 1 percent maximum, in return for specific services, for example check sorting, payroll services, wire transfers and other services.

AEligible Public Depositories@ is a Banking or Savings and Loan Association with a current certificate of eligibility from the State Banking Department. The Borough of Allenhurst shall designate said depositories, by resolution of the governing body on January 1<sup>st</sup> of each year in accordance with N.J.S.A. 40A: 5-14.

AEligible Securities@ are those investment instruments authorized by N.J.S.A. 40A: 5-15.1.

AInterest Bearing Account@ is an account or time deposit in an eligible public depository, earning interest, or any deposit in the State of New Jersey Cash Management Fund.

## **II. STANDARD OF CARE**

1. The standard of prudence to be sued by those delegated to effect investment transactions on behalf of the Borough of Allenhurst shall be the Aprudent person@ standard. Investments shall be made with judgment and care, under circumstances the prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs. Investments shall not be for speculation.

2. Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their eligibility to make impartial decisions. Employees shall disclose any material interest in financial institutions which business is conducted and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Borough of Allenhurst.

3. The Chief Financial Officer is responsible for establishing and maintaining internal controls. The controls should ensure that the assets of the Borough of Allenhurst are protected from loss, theft or misuse.

## **V. PROCEDURES FOR RECEIPT OF MONIES**

### **1. Department Procedures**

1. Department Directors will ensure that a receipt is issued in duplicate for all transactions. A copy of the receipt shall be given to the paying party and the duplicate maintained by the issuing department. The receipts shall be pre-numbered, or sequentially numbered if computer generated.
2. All monies collected or received from any source by or on behalf of the Borough, Department, or any Board thereof, shall be forwarded to the Division of Accounts and Control within forty-eight (48) hours of receipt.
3. The Division of Accounts and control will prepare collected revenues for deposit to the designated legal depository.
4. All monies received shall be placed in a secure place until forwarded for deposit.
5. The Department/Division Director shall file with the Chief Financial Officer a monthly report of all monies received in the manner prescribed. The report also will include year-to-date amounts received.
6. No department, division, or agency shall engage in the practice of cashing



checks with public funds. Cashing of employee pay checks is included in the prohibition.

2. Chief Financial Officer

1. All monies collected or received from any source by or on behalf of the Borough shall be deposited within forty-eight (48) hours of receipt of designated banks.
2. Ensure that all monies deposited are in an interest bearing account(s).
3. Where compensating balances are used to offset bank expenses, an agreement between the bank(s) and the Borough shall be executed and reviewed annually.
4. The Chief Financial Officer shall make recommendations of legal public depositories to the Allenhurst Borough Council who shall by resolution designate said depositories at the annual reorganization meeting of the Council. The list of authorized depositories may be amended at any time during the year.
5. Maturity of Investments-Investments shall be limited to maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provision of the State Statute or promulgated regulation.
6. Investment Securities B The Chief Financial Officer has the responsibility to determine which investments instruments are best suited for the Borough. However, the Chief Financial Officer shall be authorized only to invest in securities permitted by New Jersey State Statute. No investment shall be made in any depository that does not meet current Federal minimum standard for Leverage Ratio, Tier 1 and Tier 2 Capital Ratio.

Presently, a local unit may permit investments in such institutions as permitted in Section 4 of P.L. 1970, Chapter 236 (6.17:19-44) and other instruments specified as follows:

Mutual Funds backed by the United States Government Obligations  
United States Treasury Bills (T-Bills)  
Municipal Bonds or Notes  
Commercial Bank Deposits and Certificates of Deposit  
Repurchase Agreements  
Investment in Savings and Loan Associations  
United States Government Agency and Instrumentality Obligations  
State of New Jersey Cash Management Fund  
School District Obligations

All designated depositories must conform to all applicable State statutes concerning depositories of public funds, and all depositories shall obtain the highest amount possible F.D.I.C. and /or F.S.L.I.C. coverage for all municipal assets.

## **VI. FUNDS EXCLUDED FROM INVESTING**

The following types of funds are not required to be placed in interest bearing account:

Petty cash funds

Cash drawn from a Federal Agency under a letter of credit which has to be paid out within 5 working days to a vendor.

3. Deposit, retainage, or amounts posted by way of bond, held by the local unit for such things as faithful performance, if the local unit would be required by law to pay back any interest earned to the provider of the deposit, except where the local unit is required by law or court decision to invest the funds.

## **VII. BOROUGH AUDITOR**

1. The Borough investment practices and the agreement of banking services and compensation thereof shall be reviewed by the Borough Auditor as part the annual audit, as required by the N.J. S. A 40A:5-4. Where a conflict exists between this Cash Management Plan and State statute the applicable statute shall govern.

## **VIII. SURETY BONDS**

1. The Chief Financial Officer shall be covered by a surety bond. During the annual audit the municipal Auditor shall examine said bond to determine that proper coverage is in effect.
2. Staff members of the Division of Accounts and Control shall be covered by a Public Employee Faithful Performance Bond (Blanket Bond) in the minimum of \$10,000.00.
  - a. The Chief Financial Officer in accordance with N.J.S. A. 40A:5-14 shall prepare a written monthly investment report and submit same to the Borough Council.

The summary report will be prepared in the manner which will allow the Borough Council and the administration to ascertain whether investment activities during the reporting period have conformed to the Cash Management Plan. The report shall set forth each organization holding local unit funds, the amount securities purchased or sold, class or type of securities purchased,

book value, earned income, fee incurred, and market value of all investments as of the report date. Such written report shall be included in the minutes of a regular Borough meeting.

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

## RESOLUTION #28

### A RESOLUTION TO ESTABLISH 2011 TEMPORARY BUDGET

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, NJSA 40A:4-19 of the Local Budget Act provides that (where any commitments, contracts or payments are to be made prior to the final adoption of the 2011 Budget) temporary appropriations should be made for the purpose and amounts required in the manner and time herein provided; and

**WHEREAS**, the date of this resolution is within the first 30 days of January 2011; and

**WHEREAS**, 26.25% of the total appropriations in the 2010 budget exclusive of any appropriations for debt service, relief of the poor and capital improvements is \$1,104,664.56 for current fund and \$720301.95 for sewer utility;

**NOW, THEREFORE, BE IT RESOLVED** that the following temporary appropriations be made:

#### GENERAL APPROPRIATIONS

##### INSIDE CAP

Mayor=s Office	\$ 460.69
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##### Department of Public Affairs and Public Safety

Fire, OE	3,806.25
First Aid, O.E.	525.00
Police, S&W	258,037.50
Police, OE	15,750.00
911 System	525.00
Municipal Prosecutor, S&W	4,764.38
Planning Board, S&W	2,337.30
Planning Board, OE	1,443.75
Bureau of Fire Prevention, S&W	1,446.38
Bureau of Fire Prevention, OE	78.75
Municipal Court, S&W	20,895.00
Municipal Court, O.E.	2,362.50
Public Defender, S&W	867.56
Emergency Management, S&W	393.75
Emergency Management, O.E.	52.50
Deal Lake Commission	2,750.00
Bloodborne Pathogens	0.00
Elections	0.00
Monmouth County Social Services	170.63

##### Department of Revenue and Finance

Commissioner=s Office	395.06
Financial Administration, S&W	18,611.25
Financial Administration, OE	5,575.00
Audit, O.E.	5,775.00
Assessment of Taxes, S&W	1,036.88

Assessment of Taxes, OE	879.38
Collection of Taxes, S&W	1,680.00
Collection of Taxes, OE	577.50
Administration, S&W	28,427.70
Administration, OE	4,200.00
Legal Services	8,400.00
Maintenance of Motor Vehicles	10,237.50
Board of Health	2,887.50
Streets & Roads, OE	525.00
Snow Removal, S&W	2,100.00
Snow Removal, OE	918.75
Solid Waste Collection, S&W	56,437.50
Solid Waste Collection, O.E.	3,937.50
Recycling	3,937.50
Engineering	262.50

#### Insurances

Workers Compensation	34,000.00
Group	117,075.00
Other Insurance	33,000.00

#### Department of Public Works, Parks and Public Property

Commissioner=s Office	395.06
Public Buildings & Grounds, OE	5,250.00
Beach, S&W	81,243.75
Beach, OE	28,087.50
Parks & Playgrounds, OE	1,312.50
Celebration of Public Events, O.E.	1,575.00
Code Enforcement Officer, S&W	2,100.00
Code Enforcement, O.E.	26.25
Animal Control	577.50

#### Unclassified

Gasoline	10,500.00
Electricity	9,187.50
Telephone	6,562.50
Natural Gas	3,412.50
Street Lighting	6,562.50
Water	4,725.00
Fire Hydrant	3,937.50

#### Statutory Expenditures

Social Security (OASI)	26,250.00
Unemployment Compensation	2,100.00

#### Interlocal Service Contracts

Fire, OE	7,507.50
Fire - LOSAP	2,274.04

Sanitation, S&W - Interlaken	27,300.00
Landfill - Interlaken	9,240.00
Sanitation, S&W - Loch Arbour	18,375.00
Sanitation, O.E. - Loch Arbour	6,825.00
Garbage - Contractual, O.E.	262.50
School Bus Driver	9,114.92
BAN Payments	111,753.50
Interest on Notes	8,319.18
MCIA Interest	630.81
<b>TOTAL GENERAL APPROPRIATIONS</b>	<b>1,052,950.93</b>

Sewer Utility

Operating, O.E.	85,937.50
Operating, S&W	22,052.89
Social Security	1,837.50

<b>TOTAL SEWER UTILITY</b>	<b>109,827.89</b>
<b>TOTAL 2011 TEMPORARY BUDGET</b>	<b>1,162,778.82</b>

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

**PUBLIC HEARING**

There was no public present for public hearing.

There being no further comments, the meeting was adjourned.

Lori L. Osborn, RMC  
Clerk-Administrator