

MINUTES
JANUARY 11, 2011

The Meeting of the Board of Commissioners was held on the above date with Mayor McLaughlin presiding and Commissioner Bolan answering the roll call. Commission McLoughlin was absent. 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.

ORDINANCE #2011-01APPROVED

Offered By: Mayor McLaughlin

Seconded By: Comm. Bolan

ORDINANCE #2011 - 01

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE BOROUGH OF ALLENHURST REGULATING AND LIMITING THE USES OF LAND AND THE USES AND LOCATIONS OF BUILDINGS AND STRUCTURES, REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDING AND STRUCTURES AND DETERMINING THE AREA OF YARDS, RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE BOROUGH OF ALLENHURST INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A MAP OF SAID BOROUGH SHOWING BOUNDARIES AND CLASSIFICATIONS OF SUCH DISTRICTS AND ESTABLISHING PROCEDURES REGARDING THE SUBDIVISION OF LANDS AND THE APPLICATIONS FOR SITE PLAN APPROVAL AND PRESCRIBING THE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS", ADOPTED JUNE 26, 1979

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

RESOLUTION #1

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Mayor McLaughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the minutes of the regular meeting of January 4, 2011, be ratified and approved.

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

RESOLUTION #2

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Mayor McLaughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the Clerk dispense with the reading of the minutes of the regular meeting of January 4, 2011.

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

RESOLUTION #3

A RESOLUTION TO TRANSFER APPROPRIATIONS

Offered By: Mayor McLaughlin Seconded By: Comm. Bolan

BE IT RESOLVED, That the following 2010 appropriation reserves be transferred:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Municipal Prosecutor, S&W	Legal, O.E.	\$1,220.00
Municipal Prosecutor, S&W	Snow, O.E.	400.00
Municipal Prosecutor, S&W	Electricity	2,250.00
Municipal Prosecutor, S&W	Telephone	600.00
Municipal Prosecutor, S&W	Gasoline	300.00
Municipal Prosecutor, S&W	Landfill	850.00
Public Buildings & Grounds	Landfill	1,250.00
TOTAL		\$6,060.00

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

RESOLUTION #4

A RESOLUTION TO ESTABLISH A YEAR END PENALTY OF SIX (6%) PERCENT TO BE CHARGED ON THIRD PARTY LIENS ON DECEMBER 31 OF EACH YEAR WHEN THE AMOUNT PAID BY THE LIEN HOLDER IS IN EXCESS OF \$10,000.00

Offered By: Mayor McLaughlin Seconded By: Comm. Bolan

WHEREAS, NJSA 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement of discount for the late payment of taxes as provided by law; and,

WHEREAS, NJSA 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% to be collected against a delinquency in excess of \$10,000.00 on property that fails to pay the delinquency prior to the end of the calendar year; and,

WHEREAS, NJSA 54:4-67 permits the governing body to fix a penalty of 6% to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the fiscal year. If any fiscal year delinquency in excess of \$10,000.00 is paid by the third party lien holder of an outstanding tax sale certificate, the holder or purchaser shall be entitled to receive the amount of the penalty as part of the amount required to redeem such certificate of sale providing the payment is made by the tax lien holder prior to the end of the fiscal year. If the holder of the outstanding tax sale certificate does not make the payment in full prior to the end of the fiscal year, then the holder or purchaser shall be entitled to a pro rata share of the delinquency penalty upon redemption and the balance of the penalty shall inure to the benefit of the municipality. The penalty so fixed shall not exceed 6% of the amount of the delinquency with respect to each most recent fiscal year only;

NOW, THEREFORE, BE IT RESOLVED, By the Commissioners of the Borough of Allenhurst, that the Tax Collector has the authority to fix a 6% year end penalty to all third party tax sale certificates in excess of \$10,000.00 that have been paid in full by the lien holder prior to the end of the fiscal year and if not paid in full, the lien holder shall be entitled to a pro rata share of the delinquency penalty upon redemption and the balance of the penalty shall be inure to the benefit of the municipality for the 2010 tax year and to become effective immediately.

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

RESOLUTION #5

A RESOLUTION TO APPROVE BILLS AND PAYROLL (01/01/11 - 01/15/11)

Offered By: Mayor McLaughlin Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$265,210.15 be approved for payment; and,

BE IT FURTHER RESOLVED, That the January 11th consolidated bill list be attached hereto and made a part thereof.

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

PUBLIC HEARING

There was no public present.

PRESENTATION ON SOLAR ENERGY

Steve Morgan, President of American Clean Energy gave a presentation on solar energy. He explained the difference between a turn-key and power purchaser agreement. A turn-key is when the municipality funds the capital costs and takes all the benefits. A Power Purchaser Agreement is when the company installs and operates the equipment and the Borough negotiates for a fixed price for energy.

Mr. Morgan stated that an average contract runs for about 20 years. The down-side to this would be if the price drops, the Borough would be obligated to pay the price set in the contract. However, if the price rises, they will save money. The savings is usually a bout 10%.

Mr. Morgan continued, stating there are cash grants or tax incentives given by the Federal Government.

He stated there are two trains of thought on whether a government entity has to go to bid. One thought is that if the municipality is saving on its energy, a bid is not necessary. Others think a bid is necessary, regardless. He stated his company does not normally bid on RFP's.

Ms. Osborn stated that the Borough was locked in a Sustainable Energy Meeting for third party electric and Mr. Morgan stated the Borough would have to look at its contract. At the worst, they would have to wait until the contract ended.

Mayor McLaughlin thanked Mr. Morgan for his time.

There being no further business, the meeting was adjourned.

Lori L. Osborn, RMC
Clerk-Administrator