

**MINUTES**  
**JANUARY 12, 2016**

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

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**

Letter from Lou Parisi, Loch Arbour resident, thanking the Borough and Doug Caron in particular for the great job they have done for Loch Arbour in providing sanitation services.

Resolution from Township of Wall opting out of the Assessment Demonstration Program.

Resolution from Borough of Shrewsbury opting out of the Assessment Demonstration Program.

**RESOLUTION #1**

**A RESOLUTION TO RATIFY AND APPROVE MINUTES**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**BE IT RESOLVED**, That the minutes of the regular meeting of December 22, 2015, be ratified and approved.

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

**RESOLUTION #2**

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

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**BE IT RESOLVED**, That the Clerk dispense with the reading of the minutes of the regular meeting of December 22, 2015.

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

**RESOLUTION #3**

**A RESOLUTION TO TRANSFER APPROPRIATIONS**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**BE IT RESOLVED**, That the following 2015 appropriations be transferred:

<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>AMOUNT</u></b>
Gasoline	Celebration of Public Events	171.00
Gasoline	Public Buildings	704.00
Gasoline	Parks & Playgrounds	100.00
Gasoline	Water	3,000.00

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

**RESOLUTION #4**  
**A RESOLUTION TO APPOINT OFFICIALS**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**BE IT RESOLVED**, That the following officials of the Borough of Allenhurst are hereby appointed effective January 1, 2016, through December 31, 2016:

Borough Administrator	Lori L. Osborn
Deputy Borough Clerk	Veronica Dahl
Code Official	Robert Simmen, III
Fire Official	Robert Simmen, III
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.	Patricia Martuscelli
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	Anthony Mauro
Right to Know Coordinator	Paul Quinn
Certified Pool Operator	Marc Heitmueller
Certified Pool Operator	Stephen Hagerman
Sewer Collector	Lori L. Osborn
Bus Driver	William Parlman

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

**RESOLUTION #5**

**A RESOLUTION TO APPOINT BOROUGH ATTORNEY**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS**, the Borough of Allenhurst has a need to acquire the services of a Borough Attorney for 2016 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 have indicated that they will act as Borough Attorney at the rate of \$165.00 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, 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 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 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided for in the budget for the year 2016 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. Bolan-AYE; Mayor McLaughlin-AYE

**RESOLUTION #6**  
**A RESOLUTION TO APPOINT BOROUGH ENGINEER**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS**, the Borough of Allenhurst has a need to acquire the services of a Borough Engineer for 2016 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 \$150.00 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 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided for in the budget for the year 2016 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. Bolan-AYE; Mayor McLaughlin-AYE

**RESOLUTION #7**  
**A RESOLUTION TO APPOINT AUDITOR**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS**, the Borough of Allenhurst has a need to acquire the services of a Borough Auditor for 2016 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 not exceed \$17,500; and,

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

**WHEREAS**, Robert A. Hulsart, CPA, RMA of the firm of Robert A. Hulsart and Company, has completed and submitted a Business Entity Disclosure Certification which certifies that Robert A. Hulsart of Robert A. Hulsart & 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 Robert A. Hulsart of Robert A. Hulsart & 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 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided for in the budget for the year 2016 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 Robert A. Hulsart, CPA, RMA of Robert A. Hulsart & Company as described herein; 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. Bolan-AYE; Mayor McLaughlin-AYE

**RESOLUTION #8**  
**RESOLUTION TO APPOINT BOND ATTORNEY**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**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, Red Bank, 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, Red Bank, 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, Red Bank, New Jersey, has completed and submitted a Business Entity Disclosure Certification which certifies that Dilworth Paxson, LLP, Red Bank, 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, Red Bank, 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 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided for in the budget for the year 2016 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, Red Bank, 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. Bolan-AYE; Mayor McLaughlin-AYE

**RESOLUTION #9**  
**A RESOLUTION TO APPOINT PROFESSIONALS**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS**, There exists a need for professionals for the year 2016; 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 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided for in the budget for the year 2016 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:

James Carton, IV

Assistant Prosecutor

Jason Shamy

Borough Physicians

Dr. Steven Crawford & Dr. Al Cabasso  
Of Meridian Occupational

Chief Public Defender

David Gardner, Esq.

Deputy Public Defender

Jason Volet

for a term commencing January 1, 2016, through and including December 31, 2016; 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. Bolan-AYE; Mayor McLaughlin-AYE

**RESOLUTION #10**

**A RESOLUTION TO APPOINT TAX SEARCH OFFICER**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**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, 2016.

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

**RESOLUTION #11**

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

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS**, NJSA 54:4-66 & 67 provide that taxes for municipalities operating under the calendar fiscal year shall be payable, the first installment as hereinafter provided on February 1, the second installment on May 1, the third installment on August 1, and the fourth installment on November 1, after which dates if unpaid, they shall become delinquent and remain delinquent until such time as all unpaid taxes, including taxes and other liens subsequently due and unpaid, together with interest have been fully paid and satisfied; and,

**WHEREAS**, NJSA 54:4-67 provides 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,

**WHEREAS**, NJSA 54:4-67 provides that "Delinquency" means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years; and,

**WHEREAS**, NJSA 54:5-6 provides that taxes are a continuous lien and all subsequent taxes, interest, penalties and costs of collection which are imposed or accrue are added to the lien and become part of it;

**NOW, THEREFORE, BE IT RESOLVED**, That upon the recommendation of the Borough of Allenhurst Tax Collector, Carla Tomas, interest at the rate of 8% per annum be charged on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 be charges, to be calculated from the date the tax was payable until the date that actual payment to the tax collector is made pursuant to NJSA 54:4-67 and, to become effective January 1, 2016.

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



## **RESOLUTION #12**

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

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**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 2016 after February 1, 2016 and on the second quarterly installment after May 1, 2016 and on the third quarterly installment after August 2, 2016 and on the fourth quarterly installment after November 1, 2016 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. Bolan-AYE; Mayor McLaughlin-AYE

## **RESOLUTION #13**

### **A RESOLUTION ESTABLISHING A YEAR END PENALTY OF SIX (6%) PERCENT TO BE CHARGED ON DECEMBER 31 OF EACH YEAR ON DELINQUENCIES IN EXCESS OF \$10,000.00**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**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 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. 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 delinquencies in excess of \$10,000.00 that have not been paid prior to the end of the fiscal year and to become effective immediately.

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

**RESOLUTION #14**

**A RESOLUTION TO ESTABLISH A YEAR END PENALTY TO 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: Comm. Bolan

Seconded By: Mayor McLaughlin

**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 2016 tax year and to become effective immediately.

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

## A RESOLUTION TO CONFIRM PLANNING BOARD MEMBERS

Seconded By: Mayor McLaughlin

## Class II Member

Class IV/ CLASS A Member

## Alternates

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

## A RESOLUTION TO APPROVE MEETING DATES

Seconded By: Mayor McLaughlin

January 26

May 24

September 27

February 9

June 14

October 11

February 23

June 28

October 25

March 8

July 12

November 22

March 22

July 26

December 13

April 12

August 9

December 27

April 26

August 23

September 13

January 10, 2017

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

## A RESOLUTION TO APPROVE NEWSPAPERS

Seconded By: Mayor McLaughlin

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

### **RESOLUTION #18**

#### **A RESOLUTION TO APPROVE UNEXPENDED BALANCES**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**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 2015 that will be paid in 2016;

**NOW, THEREFORE, BE IT RESOLVED**, That the Board of Commissioners of the Borough of Allenhurst hereby reserve all unexpended balances from the 2015 Budget for all unpaid claims for 2015.

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

### **RESOLUTION #19**

#### **A RESOLUTION TO APPROVE DEPOSITORIES**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**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 Kearny Bank 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. Bolan-AYE; Mayor McLaughlin-AYE

### **RESOLUTION #20**

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

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**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, 2015; 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 2015 delinquent taxes, sewer utility charges and other municipal charges on or before December 31, 2016 and to become effective January 1, 2016.

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

## **RESOLUTION #21**

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

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**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 ALocal 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.

A Certificate 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.

A Compensating 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.

A Eligible 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.

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

A Interest 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 A prudent 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**

### **5. 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.

6. 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. Bolan-AYE; Mayor McLaughlin-AYE



## RESOLUTION #22

### A RESOLUTION TO ESTABLISH 2016 TEMPORARY BUDGET

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**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 2013 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 2016; and

**WHEREAS**, 26.25% of the total appropriations in the 2015 budget exclusive of any appropriations for debt service, relief of the poor and capital improvements is \$1,155,701.23 for current fund and \$77,545.97 for sewer utility;

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

#### GENERAL APPROPRIATIONS

##### INSIDE CAP

Mayor=s Office	\$ 459.38
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##### Department of Public Affairs and Public Safety

Fire, OE	10,106.25
First Aid, O.E.	525.00
Police, S&W	307,810.12
Police, OE	21,000.00
911 System	315.00
Municipal Prosecutor, S&W	3,675.00
Planning Board, S&W	1,071.00
Planning Board, OE	1,706.25
Bureau of Fire Prevention, S&W	1,082.81
Bureau of Fire Prevention, OE	78.75
Municipal Court, S&W	23,022.56
Municipal Court, O.E.	1,968.75
Public Defender, S&W	1,312.50
Emergency Management, S&W	393.75
Emergency Management, O.E.	52.50
Deal Lake Commission	2,750.00
Bloodborne Pathogens	68.25
Monmouth County Social Services	170.63

##### Department of Revenue and Finance

Commissioner=s Office	393.75
Financial Administration, S&W	23,623.69
Financial Administration, OE	10,000.00
Audit, O.E.	.00
Assessment of Taxes, S&W	1,476.56
Assessment of Taxes, OE	591.94
Collection of Taxes, S&W	1,424.06
Collection of Taxes, OE	78.75
Administration, S&W	35,568.75
Administration, OE	10,000.00
Legal Services	9,590.44
Tax Appeals	0.00
Maintenance of Motor Vehicles	11,812.50
Board of Health	3,344.25
Streets & Roads, OE	525.00
Snow Removal, S&W	2,231.25
Snow Removal, OE	1,837.50
Solid Waste Collection, S&W	100,000.00
Solid Waste Collection, O.E.	3,412.50
Recycling	4,856.25

Engineering	1,312.50
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Insurances

Workers Compensation	45,000.00
Group	154,189.88
Other Insurance	35,000.00
Unemployment	2,887.50

Department of Public Works, Parks and Public Property

Commissioner=s Office	393.75
Public Buildings & Grounds, OE	4,133.06
Beach, S&W	85,610.11
Beach, OE	30,152.39
Parks & Playgrounds, OE	2,625.00
Celebration of Public Events, O.E.	1,227.19
Code Enforcement Officer, S&W	1,255.28
Code Enforcement, O.E.	72.19
Animal Control	525.00
Contingent	131.25

Unclassified

Gasoline	12,101.25
Electricity	9,451.31
Telephone	8,662.50
Natural Gas	2,625.00
Street Lighting	6,036.19
Water	7,323.75
Fire Hydrant	5,250.00

Statutory Expenditures

Social Security (OASI)	32,804.63
DCRP	270.38

Interlocal Service Contracts

Fire, OE	8,951.25
Fire - LOSAP	0.00
Sanitation, S&W - Interlaken	30,633.75
Landfill - Interlaken	9,450.00
School Bus Driver	7,340.81
Capital Improvement Fund	50,000.00
BAN Payments	206,210.00
Interest on Notes	13,125.00

<b>TOTAL GENERAL APPROPRIATIONS</b>	<b>1,373,086.57</b>
<b>Less debt, interest &amp; capital</b>	<b>(269,335.00)</b>
<b>TOTAL</b>	<b>1,103,751.57</b>

Sewer Utility

Operating, O.E.	52,550.00
Operating, S&W	22,105.97
Social Security	1,706.25
<b>TOTAL SEWER UTILITY</b>	<b>77,545.97</b>

<b>TOTAL 2016 TEMPORARY BUDGET</b>	<b>1,450,632.54</b>
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VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

**RESOLUTION #23**

**A RESOLUTION TO AUTHORIZE CONTRACT FOR IT SERVICES**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS**, There is a need for hardware and system software support services for Borough computers located in the Administration offices and the Police Department; and,

**WHEREAS**, Ellicott Network Consultants, LLC, have inventoried the Borough=s hardware and software systems and have provided a quote of \$5,182.20 for maintenance and support services in accordance with a proposal filed in the Borough Clerk=s office; and,

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided for in the budget for the year 2016 when finally adopted;

**NOW, THEREFORE, BE IT RESOLVED**, That a contract be awarded to Ellicott Network Consultants, LLC, on their quote of \$2,168.80 for the Administrative Department and \$3,013.40 for the Police Department for the year 2016.

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

**RESOLUTION #24**

**A RESOLUTION TO CONFIRM PAYMENTS AND PURCHASES**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS**, Purchases were made for amounts over \$1,000.00 and it is the policy of the Borough that the Board of Commissioners approve or confirm said purchases; and;

**WHEREAS**, Funds for these purposes are provided for in various accounts within the current budget, and the CFO has so certified; and,

**NOW, THEREFORE, BE IT RESOLVED**, That the following contracts are hereby confirmed:

Grainger - \$1,747.90 for new lockers for Police Department  
Realty Data - \$2,184.24 – for reassessment and postcards  
Home Depot - \$1,748.49 for park lighting supplies

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

**RESOLUTION #25**

**A RESOLUTION TO AWARD CONTRACT FOR AWNING AT ABC RESTAURANT**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS**, The Board of Commissioners of the Borough of Allenhurst have determined that a canopy is needed over the entrance to the ABC restaurant; and,

**WHEREAS**, The following quotes were submitted:

Opdyke Awnings, Inc. - \$8,875 for canopy  
\$2,995 for powder coating  
\$3,425 for zippered side walls  
TOTAL \$15,295

Fiber-Lite Manufacturing Co., Inc. - \$9,645 for canopy  
\$3,685 for powder coating  
\$3,445 for side walls  
TOTAL \$16,775

Ridgewood Awning Company, Inc. - \$10,190 for canopy  
\$3,420 for powder coating  
\$3,790 side wall enclosure with windows  
TOTAL \$17,400; and,

**WHEREAS**, Funds for this purpose will be provided for in the Capital Budget under the appropriation entitled, “2015-11, Improvements to Beach and Park”, and the Chief Finance Officer has so certified;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, that a contract be awarded to Opdyke Awning, Inc., lowest of three quotations secured, at a cost of \$15,295.00.

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

**RESOLUTION #26**

**A RESOLUTION TO AUTHORIZE RECEIPT OF BIDS FOR SANITATION TRUCK**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**BE IT RESOLVED**, That the Borough Clerk be and she is hereby authorized to publish and receive bids for a 25 yard sanitation vehicle.

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

**RESOLUTION #27**

**A RESOLUTION OF APPRECIATION TO JOEL FLEMING**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS, JOEL FLEMING** has served as an elected member of the Allenhurst Board of Education for many years; and,

**WHEREAS,** Joel=s cheerful disposition and his dedication to the residents and children of Allenhurst will be sorely missed;

**NOW, THEREFORE, BE IT RESOLVED,** By the Board of Commissioners of the Borough of Allenhurst, that the deep appreciation and gratitude of the governing body and the citizens and children of the Borough be extended to Joel Fleming on his service to the Borough of Allenhurst as a member of the Allenhurst Board of Education; and,

**BE IT FURTHER RESOLVED,** That a copy of this resolution be transmitted to Mr. Fleming in appreciation for his service and duty to the residents and children of the Borough of Allenhurst.

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

**RESOLUTION #28**

**A RESOLUTION TO AWARD CONTRACT FOR  
REPLACEMENT OF TRAFFIC LIGHT**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS,** Due to an accident, the traffic signal at the corner of Main Street and Corlies Avenue was damaged beyond repair; and,

**WHEREAS,** The Borough Administrator attempted to secure quotes for a pole to match the existing poles on that corner; and,

**WHEREAS,** Signal Control Products, Inc., the original manufacturer of the traffic signal pole, is the only available source for this particular pole and has determined that they will be able to supply an identical traffic signal pole to match those existing on that corner; and,

**WHEREAS,** Funds for this purpose will be provided through an award of claim for property damage, and the Chief Finance Officer has so certified;

**NOW, THEREFORE, BE IT RESOLVED,** That a contract be awarded to Signal Control Products, Inc., on their quote of \$11,428 for the traffic signal pole and \$375.00 each for three signal boxes, for a total of \$12,553.00, which amount has been received by the Borough's Joint Insurance Fund.

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

**A RESOLUTION TO APPOINT EMERGENCY PLANNING COUNCIL**

Offered By: Comm. Bolan	Seconded By: Mayor McLaughlin
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## Elected Officials

Police, Fire, Emer. Mgt, First Aid, Health, Environmental, Hospital, Public Works

## Broadcast & Print Media

**Michael McLaughlin** Public Information Officer

## Community Groups

Peter Genovese Board of Education Secretary-Administrator

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

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

Offered By: Comm. Bolan                      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 properties for the years indicated; and,

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

WHEREAS, A stipulation heaving been filed with the judgment indicating that reli3f from the same be made by way of credit to the taxpayer's account;

**NOW THEREFORE BE IT RESOLVED** that the Tax Collector is hereby authorized to refund the overpayment and charge the years indicated in the total amount of \$54,460.10.

BLOCK	LOT	OWNER	YEAR	AMOUNT
21	2	Borough of Allenhurst	2011	1,514.92
		Account of JCP&L t/d/b/a GPU Energy	2014	845.91
21	3	Borough of Allenhurst	2011	7,162.51
		Account of JCP&L t/d/b/a GPU Energy	2014	5,470.19
21	5	Borough of Allenhurst	2011	11,553.52
		Account of JCP&L t/d/b/a GPU Energy	2014	9,912.56
21	9	Borough of Allenhurst	2011	9,295.88
		Account of JCP&L t/d/b/a GPU Energy	2014	8,704.61

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

**RESOLUTION #31**

**A RESOLUTION TO PAY BILLS & PAYROLL (01/01/16 - 01/15/16)**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**BE IT RESOLVED**, That bills and payrolls totaling \$261,086.85 be approved for payment; and,

**BE IT FURTHER RESOLVED**, That the January 12th consolidated bill list be attached hereto and made a part thereof.

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

**RESOLUTION #32**

**A RESOLUTION TO AUTHORIZER LEGAL AND PERSONNEL CAUCUS**

Offered By: Comm. Bolan

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 and personnel matters which are exempt from the public meeting under the Sunshine Law.

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

**RESOLUTION #33**

**A RESOLUTION TO AUTHORIZE CONTRACT FOR REPAIR  
OF THE SS ALLENHURST BUS**

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

**WHEREAS**, The Borough owns a 1994 Bluebird bus, which is used for member transport at the Allenhurst Beach Club and which was involved in an accident; and,

**WHEREAS**, An estimate for repairs was secured by the Borough's insurance carrier in the amount of \$8,141.50 and the Borough secured an estimate from Ken's Body Works, Inc., in the amount of \$6,214.52; and,

**WHEREAS**, The Monmouth Joint Insurance Fund has determined the worth of the bus at \$5,450.00, which is the amount of the insurance claim payable to the Borough; and,

**WHEREAS**, The Board of Commissioners have decided that it would be more cost effective to repair the bus than to purchase a new or used vehicle; and,

**WHEREAS**, Funds for this purpose will be provided in part, by the claim received from the Monmouth JIF and in part from the 2016 Temporary Budget which funds shall be provided for in the budget for the year 2016 when finally adopted;

**NOW, THEREFORE, BE IT RESOLVED**, That a contract for repair of the 1994 Bluebird Bus be awarded to Ken's Body Works, Inc., on their quote of \$6,214.52.

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

## **DISCUSSION ON ASSESSMENT DEMONSTRATION PROGRAM**

Peter Barnett, Borough Assessor, stated there are two things the new Assessment Demonstration Program does. The first is that the deadline for appeals has been moved up to January 15<sup>th</sup>. This means that most appeals can be heard and settled before budgets are adopted.

The second item is that it is the Assessor's responsibility to assess the entire town every year to bring the ratio to 100%.

Mayor McLaughlin asked how this works if towns opt out of the program and Mr. Barnett answered that the County will let towns opt out subject to a legal challenge. It is a law. Towns are not allowed to opt out of the change in calendar, only on the assessment part.

Mayor McLaughlin questioned the 20% of the town that is assessed every year. Mr. Barnett stated that the whole town is assessed, but 20% is inspected each year. There is a savings in that the inspections only cost \$20 per property whereas during a revaluation, they cost \$70 a piece.

Mayor McLaughlin stated he has gotten complaints that assessments have gone way up. Mr. Barnett stated the average increase is 12% across the board. The ratio of assessed value to market value was just at 77%. Because of sales, (and there have not been a lot), they went from a 100% ratio for the previous year to 77%. Even with the 12% increase, it only brings the ratio to 90%.

Mayor McLaughlin asked how many sales were used and Mr. Barnett states there were two usable sales. Mayor McLaughlin questioned why there were only two sales and asked how an assessment can be determined from only two sales. Mr. Barnett stated he had this discussion with the County Board and he was told that was how it had to be done.

Comm. Bolan asked if towns drop out of the program, wouldn't it devalue the plan. Mr. Barnett answered no. The State would then use its ratio to equalized value formula. If a town is not at 100%, then the total assessed value is divided by .77 to bring it up or equalize it with the other towns.

Comm. Bolan asked why the town couldn't use sales from multiple years.

Mayor McLaughlin asked which sales were used and Mr. Barnett stated he did not have that information with him this evening, but he would be happy to produce them.

Mayor McLaughlin commented that every year the value goes up and they have to pay a bigger portion to the County. It is a little disturbing to him that this is based on two sales. Comm. Bolan agreed, stating it is statistically indefensible.

Mayor McLaughlin asked how many appeals have been filed and Mr. Barnett stated that for 2016, three appeals have been filed, one by the post office and the other two are residential. Mayor McLaughlin asked how many appeals were filed last year and Mr. Barnett stated he did not have that information with him.

Mr. Barnett commented that if the town opted out, the County would still use their formula to equalize the ratio. Nothing will have changed. He explained to the Board and residents how a market value is derived.

Larry O'Rourke asked if all sales are used towards the town's ratio and Mr. Barnett responded that he looks at all sales to make sure they are properly categorized.

Mayor McLaughlin stated he is disturbed that a house on Ocean Avenue sold for more than 2 ½ times its assessed value. He asked if that sale was used and Mr. Barnett replied that he thought so.

Mayor McLaughlin stated he would like to go back to the County and tell them that raising the Borough's assessment on two sales is crazy. County taxes have jumped substantially. He



doesn't think he would get what his assessment says his house is worth.

Maryann Dowling stated she knows of three houses that sold in 2015.

Mayor McLaughlin asked what happens if a homeowner does not let the inspector in and Mr. Barnett states the record then remains the same.

In response to a question from Bob Scally, Mr. Barnett stated that usable sales for 2015 is only part of the equation. He looks at sales for two years.

Mayor McLaughlin asked if someone knocks on a door and offers cash for a property, is that sale used? Mr. Barnett answered, yes. It is not unusual for this town or for Deal.

Borough Attorney David Laughlin states that towns are opting out of the program. How will the function of county taxes change for those towns? Mr. Barnett stated they will be brought to an equalized ratio using the County's formula.

Mr. Laughlin asked if the County formula could push the assessment higher or lower. There is really no way of knowing. Mr. Barnett stated that was correct.

Michelle Rogers asked if the ratio was used just in Allenhurst or was it used in the whole state. Mr. Barnett stated it is used throughout the state. Mr. Laughlin asked if the state looked at sales and Mr. Barnett confirmed that they did.

Mr. Laughlin stated then it really doesn't matter if they are in the program or not and Mr. Barnett stated that was correct.

Mayor McLaughlin asked if the Borough opted out, would they stay neutral for a while. Mr. Laughlin answered no. The State will look at sales and calculate a new ratio.

Mr. Barnett commented that it was a weak market until a couple of years ago. Then there was a strong turn.

Mayor McLaughlin stated that this is based on only two home sales and Mr. Barnett stated only two sales in 2015. 2014 is included also.

Mr. Laughlin stated that opting out does not give the Borough the solution they want. There is no different result.

Comm. Bolan stated that the pro to continuing would be fewer tax appeals. Mr. Barnett stated that was correct.

Mr. O'Rourke asked how data is obtained from the 20% and Mr. Barnett stated if there are changes that he is not already aware of, he updates his files and uses that in his calculations. Mr. O'Rourke stated that the homes that were inspected could be increased based on what they have done. He asked why some go up 12% and some go up 15%. Mr. Barnett stated that is based on what is found in the inspections. Mr. O'Rourke then asked if his house is not inspected and has had no improvements, there should be no change.

Mr. Scally asked if there could be a value decrease and Mr. Barnett stated there could be.

Mayor McLaughlin stated 20% of the town is inspected every year, yet they do not go into all 20% of those houses. They only hit a percentage. Mr. Barnett stated that was correct. They are encouraged to inspect 100%, but that doesn't always happen. There is no set rule.

Mayor McLaughlin stated he has spoken to residents who have never gotten a note or a knock on their door. In fact, they only reach a very small percentage of that 20%. Mr. Barnett stated they get to about 60% of the homes slated for inspection. He is aware it is a small number and it is not satisfactory to him. He has insisted that they come back in the summer when everyone is here.

Michelle Rogers asked how the homes are picked for inspection. If salaries depend on

taxes, they are going to inspect the nicer homes.

Mayor McLaughlin asked if Realty Data is supervised by Mr. Barnett and he answered, no.

Mayor McLaughlin stated that 20% of Allenhurst is a small number and 60% of that is even smaller. Mr. Laughlin stated that Realty Data does not set the assessment. They give information to the Assessor, who make a determination. The Assessor is assessing the entire town based on the information he gets on the 20%.

Comm. Bolan stated the inspections should eliminate those homes from a potential tax appeal.

Mr. Laughlin asked Mr. Barnett if he could use the sales from neighboring towns and Mr. Barnett stated that he could, but has not done so in Allenhurst.

Mrs. Rogers asked what the fee was for the inspections and Mr. Barnett stated it is \$20 per property. Comm. Bolan asked if the Borough pays for what is actually inspected, or do they pay for the whole 20%. Mr. Barnett stated the whole 20%.

Mr. Scally asked if there was an advantage to staying with the program and Mr. Barnett stated there would be more accurate assessments and a more equitable distribution of the tax base.

Mr. Scally asked why a lot of other towns are opting out and Comm. Bolan stated that the way the program was initiated did not pass the smell test.

Mr. Barnett added that there will be a meeting on February 3<sup>rd</sup> in which Assessors will be attending. It will give them a greater definition of what opting out will entail.

There being no further questions, Comm. Bolan thanked Mr. Barnett for coming.

## **DISCUSSION OF VARIOUS BOROUGH PROJECTS**

Peter Avakian, Borough Engineer, gave an overview of the following projects:

### **PROJECT STATUS REPORT** **BOROUGH OF ALLENHURST** **December 30, 2015**

#### **Allen Avenue (NJDOT Transportation Trust Fund)**

The Borough was granted \$170,000 in funding through the NJDOT Transportation Trust Fund program. The total project cost is estimated at \$280,000.

Field survey work is complete and the construction plans are drafted for final design. Specifications are being completed for submission to NJDOT for approval prior to advertising for receipt of bids. Award project Feb/Mar of 2016 for spring 2016 construction.

Work includes curb, sidewalk and miscellaneous roadway related improvements at the easterly end of Allen Ave. in preparation for the proposed Open Space Grant project.

#### **Allen Avenue (Open Space Grant)**

The Borough was granted \$140,000 in funding through the Monmouth County Municipal Open Space program. The Borough is required to match the grant amount for a total estimated project cost of \$280,000.

Field survey work is complete and we have created a base map of the project area. We would like to schedule a meeting with Mayor and Commissioners to discuss proposed improvements for design and receipt of bids this winter and spring construction.

#### **Railroad Park (CDBG)**

The Borough is awaiting a letter of award from Monmouth County CDBG program on a Grant in the approved amount of \$111,636.

We will schedule a meeting with Mayor and Commissioners to discuss the proposed improvements for design to be completed in anticipation of funding release toward the end of FY 2016.

#### **Beach Club Perimeter Wall**

Our office inspected the existing concrete perimeter wall with structural engineer Bill Taylor. His recommendation is to keep the existing wall and make necessary repairs to the concrete surface, including waterproofing and installation of a cap to prevent future water intrusion and interior damage.

We will review the structural engineering proposal and provide a letter for review by the Mayor and Commissioners authorizing the project to proceed to design and receipt of bids.

#### **Allenhurst Beach Club Pool**

Our office will schedule an inspection of the existing stainless steel perimeter drain system with original design engineer Geff Wallach. We will review design alternatives and make recommendations for new construction.

The intent is to have the project out to bid in time for construction prior to the maintenance and operation of the pool for the 2016 beach season.

### **ABC Pool Decking and Perimeter Drainage System**

Our office will review the design and preparation of bid documents for the replacement of existing concrete decking and drainage system. Proposed construction will include a new trench drain system and new textured surface concrete decking.

The intent is to have the project out to bid in time for construction prior to the maintenance and operation of the pool for the 2016 beach season.

Michelle Rogers asked about repairs to the wall. Will they be permanent? Mr. Avakian stated that they will have to assess it in the future.

Mrs. Rogers asked about grants and Mr. Avakian stated he and the Borough Administrator were able to obtain a \$170,000 Transportation Trust Fund Grant, a \$140,000 Open Space Grant and a \$111,636 Community Development Block Grant.

Mr. Scally asked about trees in the park and Mayor McLaughlin stated there were a number of dead trees in the park which were taken out. Some were dangerous. They will be re-planting in the Spring.

### **PUBLIC HEARING**

Mr. Scally asked if the Mayor received his voice mail and Mayor McLaughlin stated he did and stated it had to do with a memorial for Jim Vaccaro's brother, who was killed in the war.

Maryann Dowling asked if the Board made a decision on whether they are staying in the program. Mr. Laughlin stated they will be discussing it further in closed session.

Mrs. Dowling stated that in 2014, someone did leave a note at her door. They did come back and as a result, her taxes went down. They are now back up again.

Comm. Bolan commented that because of the two sales, everyone's went up.

Mr. O'Rourke asked if the Tax Assessor's job was protected and Ms. Osborn replied that it is a tenured position.

Tim Moriarty asked if there were any updates on a sub-committee. Mayor McLaughlin stated the restaurant subcommittee met once already. They are working on the Beach Club subcommittee.

Brad Comber asked what the Beach Club committee would do and Mayor McLaughlin stated they will be an advisory subcommittee. They will come up with suggestions. Comm. Bolan added that they have never really had a long-term plan for the Beach Club. They are hoping to develop a 5, 10, 20 year plan. Chris Rogers had indicated that he would like to be involved, and since he knows a lot about the Club, they would love to have him involved.

Mrs. Dowling asked about new cabanas and Mayor McLaughlin stated there will be some new cabanas, but doesn't know yet how many.

Mrs. Rogers stated she has been on vacation where they have converted the baby pool to a play area with a slide and other things in it. It is much more fun for the kids. Her kids played for two hours and were out cold for four hours.

Mr. Moriarty asked if the attorney had done a walk-through of the restaurant and Mr. Laughlin stated he had. They are working on a punch list. They found a number of problems. They are trying to find solutions for the upstairs door, which is the biggest problem. They spoke with an HVAC supplier, who recommended a CO2 system. Today Captive Air came in to inspect the exhaust system. He has not spoken to them yet. He believes it can be made more efficient with some tweaks. Mr. Tomaino has spoken to Train regarding the thermostats. They are reviewing the windows on the north side and the doors to the deck.

Mrs. Rogers asked who the builder was and Mr. Laughlin answered that Santorini won the bid. They have been very responsive. However, there have been some communication breakdowns.

Mayor McLaughlin stated that some things just need an adjustment.

There being no further comments or any further business, the meeting adjourned to caucus. After reconvening, Comm. Bolan moved, seconded by Mayor McLaughlin, that the meeting be adjourned at 9:58 PM. Motion carried.

Lori L. Osborn, RMC  
Clerk-Administrator