

MINUTES
JANUARY 8, 2013

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.

COMMUNICATIONS

Letter from Friends of Deal Lake requesting meeting regarding signage around the lake.

Donation from Jersey Shore Running Club in the amount of \$500.00 to be used towards rebuilding public areas after Superstorm Sandy.

Resolution from Surf City opposing Senate Bill S2368, which would require shore municipalities accepting government funds for storm-damaged beach replenishment to provide free beach access and public toilet facilities.

Letter from Lou Parisi, a Loch Arbour resident, acknowledging and thanking all the officials, staff, police, fire, first aid, OEM personnel, public works, Red Cross, religious and social organizations who gave of themselves in an effort to assist after the devastation of Superstorm Sandy.

Letter from Monmouth County Planning Board advising that the Monmouth County Road Plan was adopted by the Monmouth County Planning Board as an element of the Monmouth County Growth management Guide.

Letter from McNees, Wallace & Nurick, LLC, representing Gerdau Ameristeel Sayreville in their Motion to Intervene in the petition of JCP&L for rate increases.

Letter from Township of Marlboro of their intent to Intervene in the petition of JCP&L for rate increases and urging other towns to join their motion.

Letter from FEMA providing Advisory Base Flood Elevation maps to coastal areas of New jersey and New York.

Report from Code Enforcement for the month of January

Comm. Bolan stated he received a call from Tim Henry who owns the building behind Public Works, complaining about drainage problems. It seemed to him like there were a lot of contributing factors.

Doug Caron, Public Works Supervisor, stated that Mr. Henry created a lot of the problem himself by planting trees where there were drainage areas. Mr. Henry wants the Borough to pace their driveway and part of his driveway so that the water slopes off the property.

Peter Avakian, Borough Engineer, stated Mr. Henry asked the Borough to install a drainage structure.

Comm. Bolan asked if the Borough had a deed easement there. He stated he could look into it.

Ms. Osborn, Borough Administrator, stated she believed they owned the driveway and it was not an easement.

ORDINANCES

ORDINANCE #2013-01 APPROVED

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2013-01

**AN ORDINANCE TO FURTHER AMEND AN ORDINANCE ENTITLED,
"AN ORDINANCE FIXING THE SALARIES OF ALL APPOINTED
OFFICIALS AND EMPLOYEES OF THE BOROUGH OF ALLENHURST
IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
(EXCEPTING MEMBERS OF THE POLICE DEPARTMENT)"**

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

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 11, 2012, and the special meeting of December 26, 2012, 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 11, 2012 and the special meeting of December 26, 2012.

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 2013 appropriations be transferred:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Electricity, O.E.	Telephone, O.E.	900.00

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

RESOLUTION #4

A RESOLUTION TO APPOINT OFFICIALS

Offered By: Mayor McLaughlin

Seconded By: comm. McLoughlin

BE IT RESOLVED, That the following officials of the Borough of Allenhurst are hereby appointed effective January 1, 2013, through December 31, 2013:

Borough Administrator
Deputy Borough Clerk
Code Official
Fire Official
Borough Treasurer
Public Works Supervisor

Lori L. Osborn
Veronica Dahl
Robert Simmen, III
Robert Simmen, III
Kevin Rogers
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
Bus Driver	William Parlman

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

RESOLUTION #5

A RESOLUTION TO APPOINT BOROUGH ATTORNEY

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

WHEREAS, the Borough of Allenhurst has a need to acquire the services of a Borough Attorney for 2013 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, 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 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 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: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough of Allenhurst has a need to acquire the services of a Borough Engineer for 2013 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 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 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 2013 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 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 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 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, 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, 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 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 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. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

RESOLUTION #9

A RESOLUTION TO APPOINT PROFESSIONALS

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, There exists a need for professionals for the year 2013; 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 2032 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 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: Martin McGreevey, Esq.

Assistant Prosecutor James Carton, IV

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, 2013, through and including December 31, 2013; 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 #10

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, 2013.

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

RESOLUTION #11

A RESOLUTION TO APPROVE INTEREST RATE ON DELINQUENT TAXES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

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, 2013.

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

RESOLUTION #12

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 2013 after February 1, 2013 and on the second quarterly installment after May 1, 2013 and on the third quarterly installment after August 2, 2013 and on the fourth quarterly installment after November 1, 2013 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 #13

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

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

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 2013:

FIRE DEPARTMENT

Frank Manfredi

William Reng

Open

Patrick Harvey

Open

Chief

First Assistant Chief

Second Assistant Chief

Captain

Lieutenant

FIRST AID SQUAD

John Hansen

Sue Borden

Secretary/Treasurer

Captain

Lieutenant

Robert Newman

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 #14
A RESOLUTION TO CONFIRM PLANNING BOARD MEMBERS
Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

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, 2013

Class II Member
Kevin G. Rogers for a term expiring December 31, 2013

Class III Member
Christopher J. McLoughlin for a term expiring December 31, 2013

Class IV Member
Freida Shalam for a four year term expiring December 31, 2016
Bernard Costello for a four year term expiring December 31 2016

Alternates
#2 – Robert Scally for a two year term expiring December 31, 2014
#3 – Anthony Mauro for a two year term expiring December 31, 2014

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

RESOLUTION #15
A RESOLUTION TO APPROVE MEETING DATES
Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

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 2013, said meetings to be held at Borough Hall, 125 Corlies Avenue, on the dates listed at 7:30 P.M., unless otherwise indicated:

January 22	May 28	September 24
February 12	June 11	October 8
February 26	June 25	October 22
March 12	July 9	November 12
March 26	July 23	November 26
April 9	August 13	December 10
April 23	August 27	
May 14	September 10	January 14, 2014

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 #16

A RESOLUTION TO APPROVE NEWSPAPERS

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

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 #17

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 2012 that will be paid in 2013;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst hereby reserve all unexpended balances from the 2012 Budget for all unpaid claims for 2012.

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

RESOLUTION #18

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, a division of Kearny Federal Savings 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 #19

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, 2012; 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 2012 delinquent taxes, sewer utility charges and other municipal charges on or before December 31, 2013 and to become effective January 1, 2013.

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

RESOLUTION #20

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 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.

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 1st 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 #21

A RESOLUTION TO ESTABLISH 2013 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 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 2013; and

WHEREAS, 26.25% of the total appropriations in the 2012 budget exclusive of any appropriations for debt service, relief of the poor and capital improvements is \$1,104,365.36 for current fund and \$75,780.08 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	7,481.25
First Aid, O.E.	525.00
Police, S&W	272,475.00
Police, OE	14,516.25
911 System	735.00
Municipal Prosecutor, S&W	3,937.50
Planning Board, OE	3,228.75
Bureau of Fire Prevention, S&W	1,365.00
Bureau of Fire Prevention, OE	78.75
Municipal Court, S&W	22,312.50
Municipal Court, O.E.	2,283.75
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	0.00
Monmouth County Social Services	170.63

Department of Revenue and Finance

Commissioner=s Office	395.06
Financial Administration, S&W	19,687.50
Financial Administration, OE	7,570.00
Audit, O.E.	5,775.00
Assessment of Taxes, S&W	1,076.25
Assessment of Taxes, OE	879.38
Collection of Taxes, S&W	1,365.00
Collection of Taxes, OE	78.75
Administration, S&W	29,006.25
Administration, OE	5,289.38
Legal Services	8,400.00
Maintenance of Motor Vehicles	9,187.50
Board of Health	3,248.44
Streets & Roads, OE	525.00
Snow Removal, S&W	2,100.00
Snow Removal, OE	918.75
Solid Waste Collection, S&W	45,937.50
Solid Waste Collection, O.E.	3,937.50
Recycling	3,675.00
Engineering	262.50

Insurances

Workers Compensation	35,000.00
Group	128,625.00
Other Insurance	35,000.00

Department of Public Works, Parks and Public Property

Commissioner=s Office	395.06
Public Buildings & Grounds, OE	5,250.00
Beach, S&W	83,737.50
Beach, OE	29,400.00
Parks & Playgrounds, OE	1,706.25
Celebration of Public Events, O.E.	2,362.50
Code Enforcement Officer, S&W	1,312.50
Code Enforcement, O.E.	26.25
Animal Control	577.50

Unclassified

Gasoline	10,500.00
Electricity	10,500.00
Telephone	5,775.00
Natural Gas	5,000.00
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
DCRP	131.25

Interlocal Service Contracts

Fire, OE	7,796.25
Fire - LOSAP	2,274.04
Sanitation, S&W - Interlaken	28,087.50
Landfill - Interlaken	9,240.00
Sanitation, S&W - Loch Arbour	19,818.75
Sanitation, O.E. - Loch Arbour	6,300.00
Garbage - Contractual, O.E.	262.50
School Bus Driver	3,937.50
BAN Payments	90,000.00
Interest on Notes	7,000.00

MCIA Interest	102.50
TOTAL GENERAL APPROPRIATIONS	1,057,086.41

<u>Sewer Utility</u>	
Operating, O.E.	88,562.50
Operating, S&W	22,079.14
Social Security	1,837.50
TOTAL SEWER UTILITY	112,479.14

TOTAL 2013 TEMPORARY BUDGET	1,169,565.55
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VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

RESOLUTION #22

A RESOLUTION TO AUTHORIZE BIDS FOR VARIOUS PROJECTS

Offered By: Comm. McLoughlin Seconded By: Comm. Bolan

WHEREAS, Due to Superstorm Sandy, the Board of Commissioners have identified several projects to restore the Allenhurst beachfront which will require competitive bidding;

THEREFORE, BE IT RESOLVED, That the Clerk-Administrator be and she is hereby authorized to prepare and advertise for bids for the following projects:

- Repair of Sea Wall
- Fabrication and Placement of Cabanas
- Construction of Restrooms
- Construction of ABC Restaurant
- Purchase of Front End Loader
- Repair/replacement of Pump Room
- Repair/Replacement of Umbrella Deck
- Repair/Replacement of Snack Bar Area and Deck/Gazebo

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

RESOLUTION #23

A RESOLUTION TO AUTHORIZE CONTRACT FOR AUDIOMETRIC AND RESPIRATORY TESTING

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

WHEREAS, The Borough is required to conduct audiometric and respiratory testing for all its Public Works employees; and,

WHEREAS, Said testing must be done by CAOHC Certified Professionals; and,

WHEREAS, The Monmouth County Joint Insurance Fund, acting as lead agency, issued RFP's for this service and recommends that testing be done through Interstate Mobile Care; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 when finally adopted;

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 Interstate Mobile Care to administer audiometric and respiratory testing, at a rate in accordance with a schedule on file in the Borough Clerk's office.

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

RESOLUTION #24

A RESOLUTION TO AUTHORIZE CONTRACT FOR CDL DRUG TESTING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, The Borough is required to test all CDL drivers in the mandatory Random Drug and Alcohol Testing Program and there exists a need for a program administrator; and,

WHEREAS, The Monmouth County Joint Insurance Fund, acting as lead agency, issued RFP's for this service and recommends that testing be done through Dynamic Testing Services; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 when finally adopted;

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 Dynamic Testing Services to administer the random drug and alcohol tests on all CDL drivers, in an amount of \$45.00 per drug test and \$35.00 per alcohol test; and,

BE IT FURTHER RESOLVED, That the term of the contract shall be for three years and shall expire on December 31, 2014.

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

RESOLUTION #25

A RESOLUTION TO AUTHORIZE CONTRACT FOR NURSING SERVICES

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, There exists a need for Public Health Services in the Borough of Allenhurst; and,

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

WHEREAS, This appointment is being made without competitive bidding because the appointment involves a member of a recognized profession, licensed and regulated by law, pursuant to NJSA 40A:11-5; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 when finally adopted;

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 VNA of Central Jersey in an amount of \$604.00 for the year 2013; 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 #26

A RESOLUTION TO AUTHORIZE CONTRACT FOR IT SERVICES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

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 \$3,708.00 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 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 when finally adopted;

NOW, THEREFORE, BE IT RESOLVED, That a contract be awarded to Ellicott Network Consultants, LLC, on their quote of \$2,029 for the Administrative Department and \$1,679 for the Police Department for the year 2013.

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

RESOLUTION #27

A RESOLUTION TO GRANT APPROVAL FOR TRIATHLON

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

WHEREAS, One More Tri was granted permission to run a triathlon through the Borough of Allenhurst on September 14, 2013; and,

WHEREAS, One More Tri has requested permission to change the date from September 14 to September 15, 2013, with the same parade route and times as requested for the September 14th date and a Certificate of Insurance for this event will be provided; and,

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

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that approval is hereby given to One More Tri to run a triathlon through Allenhurst on September 15, 2013, contingent upon the Borough receiving a new Certificate of Insurance with the amended date, prior to the event.

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

RESOLUTION #28

A RESOLUTION TO REFUND OVERPAYMENT OF TAXES

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

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

NOW THEREFORE BE IT RESOLVED, that the Tax Collector is hereby authorized to refund the overpayment and charge 2010 taxes in the total amount of \$1,300.00.

BLOCK	LOT	OWNER	YEAR	AMOUNT
37	5	Michael I, Schneck, Esq attny for Alex Adjmi Marital Trust 301 South Livingston Avenue Livingston, NJ 07039	2010	\$1,300.00

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

RESOLUTION #29

A RESOLUTION TO APPOINT CLASS II POLICE OFFICER

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

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

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

WHEREAS, Trainees must be appointed as Class II Special Law Enforcement Officers prior to enrollment, and the Chief of Police has recommended the hiring of Whitney Molinelli as a Class II Special Officer on an as-needed basis; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 when finally adopted;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that Whitney Molinelli be hired as a SLEO II, to be used on an as-needed basis at \$12.00/hr. This appointment shall be effective immediately, and shall be in effect for the remainder of the calendar year.

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

RESOLUTION #30
A RESOLUTION TO AUTHORIZE CONTRACT FOR REPAIR OF
PUBLIC WORKS ROOF

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

WHEREAS, The roof at the Public Works Plant was compromised by Superstorm Sandy and has further been damaged by subsequent wind storms; and,

WHEREAS, It has been determined that the roof needs replacement and the following quotes were secured for the work:

All County Exteriors - \$12,870.00/\$17,451.00

G.S. Roofing & Siding, Inc. - \$9,500.00

Gutter Master - \$9,400.00

WHEREAS, An insurance claim has been submitted and the balance of funds will be available for the first three months of 2013 in the 2013 temporary budget and funds for the balance of 2013 will be provided when the 2013 budget has been adopted, and the Chief Finance Officer has so certified;

NOW, THEREFORE, BE IT RESOLVED, That upon recommendation of the Public Works Superintendent, that a contract be awarded to Gutter Master, lowest of three quotes received for repair of the roof at the Public Works Building.

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

RESOLUTION #31
A RESOLUTION TO PAY BILLS & PAYROLL (01/01/13 - 01/15/13)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$304,458.93 be approved for payment; and,

BE IT FURTHER RESOLVED, That the January 10th consolidated bill list be attached hereto and made a part thereof.

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

RESOLUTION #32
A RESOLUTION AUTHORIZING PERSONNEL, LEGAL
AND CONTRACTUAL CAUCUS

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

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

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

PUBLIC HEARING

In response to Mayor McLaughlin's request for public comments, Nancy Senet asked for an update on progress at the beachfront.

Mayor McLaughlin stated that they have authorized going out to bid for various projects. The cabanas will look the same, but will be portable.

Mrs. Senet asked about the stairway and Mayor McLaughlin stated that they will be removing one of the stairways at the cabana end and have just one main entrance there. Mrs. Senet asked about the stairs by the snack bar and Mayor McLaughlin answered that they uncovered a closed stairway and are discussing leaving it open. Mrs. Senet suggested putting a ramp where one of the stairs is for wheelchair and baby carriage access. Comm. Bolan stated that he thinks the slope is too steep and Joe Tomaino, Architect for the beach projects agreed.

Mayor McLaughlin added that they have received bids for demolishing the restaurant. They had professionals look at the building and they believe it may be more cost effective to demolish it.

Comm. Bolan stated it may be too expensive to repair and more beneficial to tear down and start from scratch. These decisions have not been made yet.

Mrs. Senet stated she has been in town since 1941. The Club has been the cornerstone of the town since the 1900's. She would love the character and the look to remain as it has been for years and years.

Mayor McLaughlin stated that they all agree with that. Comm. Bolan asked what she would change or not. Mrs. Senet stated she would like to be on a committee for rebuilding the restaurant.

Ed Dowling asked who will have input on the design of the restaurant and Comm. Bolan stated the public body would. Everything will be decided in a public forum. Mr. Tomaino has offered his services and they have retained him as an architect. They are receiving input from the current tenants as to functional changes. He invited everyone to share their thoughts and ideas.

Mayor McLaughlin commented that they will have to build within the same footprint.

Mr. Dowling asked if the Commissioners had considered a second story and Comm. Bolan stated they have been discussing it. They were considering putting the HAVC equipment upstairs. They would also have to have an elevator.

Mr. Dowling stated the Borough would have to put in money towards those improvements and Comm. Bolan stated that the Commissioners understand that. They are hoping to have some kind of outside facility for this coming season.

Mr. Dowling asked if they will have a snack bar also. Comm. Bolan stated they will have to decide about that also.

Mr. Dowling asked about the pool functions and Mayor McLaughlin stated the pumps were taken out prior to the storm, however the pump room suffered severe damage. The electric will have to be replaced. The well points have been removed and assessed. They will get quotes on both a new system and on repairing the current system. The pool liner also needs work and one solution is to replace the entire liner in the deep end of the pool. They will do something temporary for the snack bar and restaurant for this season.

Bob Scally asked about FEMA's role and Mayor McLaughlin stated they have not gotten anything back from FEMA as yet.

Mel Stultz offered his services, stating he feels indebted to Allenhurst.

Mayor McLaughlin thanked him, stating they had a great time at the race one weekend and the storm came the next.

BEACH RESTORATION PROJECTS

Mr. Avakian stated he has been having regular status meetings with Ms. Osborn. Having Mr. Tomaino work with them has been great. There are so many aspects of this that go beyond what they normally do in municipal government.

Mr. Avakian then went through the following status report:

STATUS OF REHABILITATION PROJECTS – 1/07/13

CABANAS

This will be bid as two projects, pilings and cabanas. Both will be out to bid by the end of the month. Plans will be reviewed by Mr. Caron, the Construction Official and FEMA.

CABANA BATHROOMS AND PUBLIC BATHROOMS

This may be bid with cabanas. The Layout needs approval from subcommittee. If they cannot get these built by this season, they will have temporary facilities available.

UMBRELLA DECK

Pilings will be bid out with the cabana pilings and the deck work with the cabanas.

SNACK BAR/BANDSTAND

Commissioners will make decision on snack bar. If it is not finished for this season, secure fencing will be placed around the area.

RESTAURANT

Commissioners will decide tonight if they will demolish restaurant. Quotes have been secured.

SEA WALL

We are preparing to go to bid by the middle of February.

BOARDWALK & RAILINGS

Engineer will make sure pilings are in good condition. Public Works will wait until sea wall is repaired, before repairing boardwalk.

STREET LIGHTS

JCP&L has fixed everything, but two poles where we are working on boardwalk. When we are done, they will fix those.

FLAG POLE

Will get prices.

MOBIE MATS

Once we put in our claim to FEMA, we will replace same

PUMP ROOM

Will sheath inside pump room.

ELECTRIC

The immediate issue is to get electric to the pump room. Joe Tomaino will call the electrical engineer and they will get an idea of how to handle getting the electric back to the restaurant, pump room and Club. There is some discussion about separating the electric to the restaurant and possibly locating it on Allen Avenue.

POOL

The Borough Engineer is working with Jeff Wallach to resolve this issue.

WELL POINTS

The well points have been pulled. Two points are missing, three others damage. There is damage to some of the arms as well. The Borough will be receiving two quotes, one for a new well point system and one to repair the current well point system.

UNDERMINING OF POOL DECK

This will be addressed along with the pump room.

PUBLIC WORKS ROOF

We will add the repair of the roof to the list of damages caused by Superstorm Sandy. The Borough has authorized a contract for repair of the roof.

Joe Tomaino gave some details on the cabana reconstruction. He stated the toilet facilities may not be available by opening day. He has reconfigured everything so that it will be nicer for users.

There was some discussion on the loss of sand in which Mr. Caron stated sand is already coming back. If they rent a small dozer, they will be able to move sand over time. Mr. Avakian stated he will monitor it.

There was discussion on the umbrella deck. Mayor McLaughlin asked if they could do it in sections which could be removed at the end of the year. Mr. Caron stated that they used to be that way, but they were unable to move them with the equipment they had. If they get the front-end loader, they will be able to handle it. Mr. Avakian and Mr. Tomaino stated they can bid it so that it is built in sections.

There was some discussion on the snack bar area in which Comm. Bolan asked what needed to be done to replace the snack bar in kind. He asked if they would bid the snack bar along with the restaurant. Mr. Tomaino stated that they could, but it would not be for this summer.

Comm. Bolan stated in that case, they would have to save it off for the summer season.

Mr. Tomaio stated there is a lot to be considered as far as the snack bar. It is located in prime real estate. They can consider incorporating it into the restaurant building.

Mr. Avakian added that for this summer, they may be able to work with a modular facility.

Mayor McLaughlin asked Mr. Perrotto what he needed to set up a temporary spot for the restaurant. He understands that the liquor license may require certain conditions.

Public Questions

In response to Mayor McLaughlin's request for public comments, Tim Moriarty asked how the well points fared in Spring Lake. Mr. Avakian stated they fared well. It is a complex system and he is interested in how it works. However, he doesn't know if Allenhurst has the time to look into a new system for this summer.

Bob Scally stated that when the snack bar was built, the stairs were narrowed. Mayor McLaughlin stated the storm opened a stairway and they intend to keep that stairway open.

Mary Ellen Harvey stated that if the shuffleboard area is going to be used by the restaurant, has the Board given any thought to the recreation program. It would be very helpful to the members in planning the summer for their children if they knew what was happening with the Recreation Program.

Mayor McLaughlin stated that they will work something out for the kids.

OTHER BUSINESS

Comm. Bolan stated that residents will have a chance to attend three meetings before any vote takes place regarding the consolidation of Loch Arbour into Allenhurst. Nothing will be done without the public knowing about it. They are waiting for the State to weigh in on what they can and cannot do. Right now the issue is whether or not Allenhurst can provide a Shared Services Agreement for Municipal clerk and other positions for Loch Arbour. When it is time for a public hearing, they will let everyone know.

Mayor McLaughlin stated a draft plan has been submitted to the State. Under this Statute, they will have all the answers before a vote takes place. They have asked Loch Arbour to provide some incentive for this deal and the subcommittee came back with a proposal to set up a special taxes district, whereby former Loch Arbour residents will pay down Allenhurst's debt. Allenhurst does not have a tremendous amount of debt, but it is an incentive. If talks progress, there will be public hearings.

Mr. Scally stated he would like the State to guarantee that Allenhurst will not be forced into

the Ocean Township School District, which will cause the same problems for them as Loch Arbour has.

Comm. Bolan stated they are working on a lot of details. They want answers before they bring it to the public for discussion.

Comm. McLoughlin stated that they want to make sure they will not get sucked into the problems with Ocean Township and Loch Arbour. Since the new law was written, it could happen. It could happen even if they did nothing with the consolidation. The State has not acted on it, but it is still on the books.

Mayor McLaughlin gave a history on the SAFRA law.

Mr. Scally commented that the State will see kids getting pulled out of Ocean Township and being put into a failed school district.

Mrs. Senet stated that apart from the school issue and taxes, the storm has made it clear that a large portion of Loch Arbour is in a flood plain. Had the Board considered this?

Mayor McLaughlin stated it is a good question. The Board has not looked into it.

Comm. Bolan stated that residences are in the flood plain and Mrs. Senet stated that there are roads there also and there was damage to those roads with this storm.

Mayor McLaughlin stated there are good and bad aspects to this. They have to look at everything.

Mr. Scally stated that it is not really consolidation, it is tax avoidance.

Mayor McLaughlin stated that if Loch Arbour pays Allenhurst's debt, there is a chance for significant savings.

Mr. Moriarty asked if any thought had been given to the calendar for the upcoming beach season. Will they be doing Indian Summer? Member books are going to go to the printer soon.

Comm. McLoughlin replied that they have not even thought about it yet.

Mr. Caron stated that in regard to the beach booklets, they have some suggestions which will expedite things.

There being no further comments, the Board adjourned to caucus. Comm. McLoughlin stated that they will be considering two resolutions after the caucus, which are posted on the bulletin board.

After reconvening, the Board considered the following resolutions:

RESOLUTION #33

A RESOLUTION AUTHORIZING CONTRACT FOR CONSULTANT TO PREPARE FINANCIAL ANALYSIS FOR PROPOSED CONSOLIDATION OF LOCH ARBOUR INTO THE BOROUGH OF ALLENHURST

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Borough of Allenhurst and the Village of Loch Arbour wish to engage the services of a Consultant to prepare the financial analysis of the potential consolidation of the Village of Loch Arbour into the Borough of Allenhurst, and prepare a report of the same to the respective governing bodies; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 when finally adopted;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that:

1. The Board of Commissioners is hereby authorized and directed to engage the services of Reagan Burkholder of the firm Summit Collaborative Advisors, LLC of Summit, NJ for the preparation of a fiscal analysis of the potential consolidation of the Village of Loch Arbour into the Borough of Allenhurst, at the total cost of \$5,000, shared equally by the Borough of Allenhurst and Village of Loch Arbour and attendance at meetings at the rate of \$500 per meeting, if attendance is requested.
2. This appointment is made for a period not to exceed two months or until the report of the fiscal impact of the consolidation is issued.
3. This appointment is made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5.
4. A copy of this resolution shall be published within 10 days of its passage as required by law.

BE IT FURTHER RESOLVED, That a certified copy of this resolution shall be supplied to the Chief Financial Officer and Reagan Burkholder of the firm Summit Collaborative Advisors, LLC of Summit, NJ.

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

RESOLUTION #34
A RESOLUTION TO AUTHORIZE CONTRACT FOR DEMOLITION OF
BEACH CLUB RESTAURANT

Offered By: Comm. McLoughlin Seconded By: Comm. Bolan

WHEREAS, Superstorm Sandy severely damaged the Allenhurst Beach Club Restaurant; and,

WHEREAS, After receiving reports from Structural Engineers, hired on behalf of the Borough and Structural Engineers, hired on behalf of the Borough's Insurance Fund, the Board of Commissioners has decided that it would be more cost-effective to demolish and rebuild the restaurant; and,

WHEREAS, The following quotes were obtained for demolition of the Beach Club Restaurant and removal of debris:

Lertch Wrecking co., LLC - \$26,000.00
 Burke Construction, Inc. - \$25,750.00
 D&J Mazza Demolition, Inc., - \$34,250.00
 Pax Construction Corp. - \$54,000.00
 Ashbritt Construction – declined to submit proposal

WHEREAS, The Public Works Supervisor has reviewed said quotes and made his recommendation on award of the contract; and,

WHEREAS, Funds are available for this purpose through a combination of monies received through an Insurance claim, a FEMA claim, and an emergency appropriation entitled, "Superstorm Sandy", and the Chief Finance Officer has so certified;

NOW, THEREFORE, BE IT RESOLVED, That a contract be awarded to Lertch Wrecking Co., LLC, the lowest of five quotations secured, on their quote of \$17,500.00 for demolition of the Allenhurst Beach Club Restaurant and removal of debris.

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

There being no further business, Comm. McLoughlin moved, seconded by Mayor McLaughlin, that the meeting be adjourned. Motion carried.

Lori L. Osborn, RMC
 Clerk-Administrator