

**MINUTES  
JANUARY 14, 2014**

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**

Resignation of Joel Fleming from Allenhurst Planning Board

Resolution from Surf City in opposition to Assembly Bill 3891 which would permit 5<sup>th</sup> and 6<sup>th</sup> class Counties to assume control and responsibility for operation and maintenance of beaches bordering the Atlantic Ocean.

**ORDINANCES – FIRST READINGS**

**ORDINANCE #2014-01 – SALARIES**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE #2014-01**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,  
CHAPTER II, ADMINISTRATION**

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

**ORDINANCE #2014-02 – POLICE SALARIES**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE #2014-02**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,  
CHAPTER II, ADMINISTRATION**

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

**ORDINANCE #2014-03 – EMERGENCY APPROPRIATION FOR REASSESSMENT**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE #2014-03**

**A SPECIAL ORDINANCE AUTHORIZING EMERGENCY  
APPROPRIATION IN THE AMOUNT OF \$40,000.00 FOR THE  
PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF  
REASSESSMENT OF REAL PROPERTY FOR THE BOROUGH OF  
ALLENHURST, INCLUDING APPROVED TAX MAP UPDATES FOR  
USE OF THE LOCAL ASSESSOR**

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

**ORDINANCE #2014-04 – NOISE**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE #2014-04**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,  
CHAPTER III, NOISE**

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 10, 2013, and the special meeting of December 17, 2013, 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 10, 2013 and the special meeting of December 17, 2013.

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:

<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>AMOUNT</u></b>
Garbage & Trash, S&W	Legal, O.E.	\$6,300.00
Administration, O.E.	Tax Appeals	400.00
Finance, O.E.	Telephone	1,550.00
Police, S&W	Landfill	6,000.00

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, 2014, through December 31, 2014:

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  
Municipal Court Admin.  
Deputy Court Administrator  
Violations Clerk  
Zoning Officer  
Community Development Rep.  
Dep. Comm. Development Rep.  
Public Agency Compliance Officer  
Personnel Officer  
Fund Commissioner (JIF)  
ADA Compliance Officer  
Assessment Search Officer  
Tax Search Officer  
Sewer System Operator  
TAC Officer  
Deal Lake Representative  
Right to Know Coordinator  
Certified Pool Operator  
Certified Pool Operator  
Sewer Collector  
Bus Driver

Lori L. Osborn  
Robin Deibert  
Mary Ellen Supon  
Lisa Casler  
Christopher Rogers  
Lori L. Osborn  
Veronica Dahl  
Lori L. Osborn  
Lori L. Osborn  
Lori L. Osborn  
Lori L. Osborn  
Lori L. Osborn  
Carla Tomas  
Paul Quinn  
Joy More  
Bruce Fromer  
Paul Quinn  
Christopher Rogers  
Marc Heitmueller  
Lori L. Osborn  
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 2014 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 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided for in the budget for the year 2014 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 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 2014 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 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided for in the budget for the year 2014 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 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 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 2014 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**, William Antonides of William Antonides & Company has indicated that he will act as Fee Consultant for the Borough of Allenhurst for cost in accordance with Schedule A, of the contract on file in the Borough Clerk's office; 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 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided for in the budget for the year 2014 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 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 FEE ACCOUNTANT**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, the Borough of Allenhurst has a need to acquire the services of a Borough Fee Accountant for 2014 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**, William Antonides of William Antonides & Company has indicated that he will act as Fee Consultant for the Borough of Allenhurst for cost in accordance with Schedule A, of the 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 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided for in the budget for the year 2014 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 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 shall maintain a copy of this resolution, and the Agreement with the appointee, on file in her Office and make the same available for public inspection during regular business hours.

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

#### **RESOLUTION #9**

##### **A RESOLUTION TO APPOINT BOND ATTORNEY**

Offered by: Mayor McLaughlin

Seconded by: Comm. McLoughlin

**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 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided for in the budget for the year 2014 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 shall maintain a copy of this resolution, and the Agreement with the appointee, on file in her Office and make the same available for public inspection during regular business hours.

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

#### **RESOLUTION #10**

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

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**WHEREAS**, There exists a need for professionals for the year 2014; 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 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided for in the budget for the year 2014 when finally adopted, and the Treasurer has so certified; and,

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

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

Municipal Prosecutor:  
Assistant Prosecutor  
Borough Physicians

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

Chief Public Defender  
Deputy Public Defender

David Gardner, Esq.  
Jason Volet

for a term commencing January 1, 2014, through and including December 31, 2014; and,

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

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

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

**RESOLUTION #11**

**A RESOLUTION TO APPOINT MUNICIPAL JUDGE**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**BE IT RESOLVED**, That George Cieri be and he is hereby appointed Municipal Court Judge for the Borough of Allenhurst for a three-year term commencing on January 1, 2014 and expiring December 31, 2016.

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

**RESOLUTION #12**

**A RESOLUTION TO APPOINT TAX SEARCH OFFICER**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, By the Commissioners of the Borough of Allenhurst, that Carla Tomas, the Certified Tax Collector of the Borough of Allenhurst, be and hereby is designated as the Tax Search Officer of the Borough to make and certify Certificates of Searches of the Borough Liens as may be required under and by virtue of NJSA 54:5-11 and to become effective January 1, 2014.

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

**RESOLUTION #13**

**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, 2014.

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

**RESOLUTION #14**

**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 2014 after February 1, 2014 and on the second quarterly installment after May 1, 2014 and on the third quarterly installment after August 2, 2014 and on the fourth quarterly installment after November 1, 2014 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 #15**

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

Offered By: Mayor McLaughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following duly elected, named members of the Allenhurst Fire Company #1 and First Aid Squad be granted municipal approval for the positions indicated, for the year 2014:

**FIRE DEPARTMENT**

Mike Powers

William Reng

Open

Patrick Harvey

John Hansen

Chief

First Assistant Chief

Second Assistant Chief

Captain

Lieutenant

**FIRST AID SQUAD**

Sue Borden

Frank Manfredi

Secretary/Treasurer

Captain

Lieutenant

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

James Vaccaro

Joseph Montedoro

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

**RESOLUTION #16**

**A RESOLUTION TO ACCEPT RESIGNATION**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**WHEREAS**, Joel Fleming, has submitted his resignation as a member of the Allenhurst Planning Board, effective immediately;

**THEREFORE, BE IT RESOLVED**, That the Board of Commissioners accepts the resignation of Mr. Fleming with regret and wishes him well in his future endeavors.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-NO; Mayor McLaughlin-AYE



**RESOLUTION #17**

**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, 2014

Class II Member

Kevin G. Rogers for a term expiring December 31, 2014

Class III Member

Christopher J. McLoughlin for a term expiring December 31, 2014

Class IV Member

Larry Gruner for a four year term expiring December 31, 2017

Alternates

#1 – Samuel Boyd for a two year term expiring December 31, 2015

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

**RESOLUTION #18**

**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 2014, said meetings to be held at Borough Hall, 125 Corlies Avenue, on the dates listed at 7:30 P.M., unless otherwise indicated:

January 28	May 27	September 23
February 11	June 10	October 14
February 25	June 24	October 28
March 11	July 8	November 18
March 25	July 22	December 9
April 8	August 12	
April 22	August 26	
May 13	September 9	January 13, 2015

**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 #19**

**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 #20**

**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 2013 that will be paid in 2014;

**NOW, THEREFORE, BE IT RESOLVED**, That the Board of Commissioners of the Borough of Allenhurst hereby reserve all unexpended balances from the 2013 Budget for all unpaid claims for 2013.

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

**RESOLUTION #21**

**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 #22**

**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, 2013; 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 2013 delinquent taxes, sewer utility charges and other municipal charges on or before December 31, 2014 and to become effective January 1, 2014.

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

## **RESOLUTION #23**

### **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 1<sup>st</sup> of each year in accordance with N.J.S.A. 40A: 5-14.

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

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

## **II. STANDARD OF CARE**

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

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

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

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

### **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 stature 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 #24**  
**A RESOLUTION TO ESTABLISH 2014 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 2014 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 2014; and  
**WHEREAS**, 26.25% of the total appropriations in the 2013 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
<u>Department of Public Affairs and Public Safety</u>	
Fire, OE	10,106.25
First Aid, O.E.	525.00
Police, S&W	288,750.00
Police, OE	15,750.00
911 System	735.00
Municipal Prosecutor, S&W	3,675.00
Planning Board, OE	2,777.25
Bureau of Fire Prevention, S&W	820.31
Bureau of Fire Prevention, OE	78.75
Municipal Court, S&W	22,312.50
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	0.00
Monmouth County Social Services	170.63

Department of Revenue and Finance

Commissioner=s Office	395.06
Financial Administration, S&W	30,468.75
Financial Administration, OE	6,360.00
Audit, O.E.	.00
Assessment of Taxes, S&W	1,078.88
Assessment of Taxes, OE	798.23
Collection of Taxes, S&W	1,378.13
Collection of Taxes, OE	78.75
Administration, S&W	30,765.00
Administration, OE	5,250.00
Legal Services	10,237.50
Tax Appeals	4,725.00
Maintenance of Motor Vehicles	11,550.00
Board of Health	3,248.44
Streets & Roads, OE	525.00
Snow Removal, S&W	1,706.25
Snow Removal, OE	918.75
Solid Waste Collection, S&W	65,877.50
Solid Waste Collection, O.E.	752.06
Recycling	5,177.81
Engineering	1,312.50

Insurances

Workers Compensation	48,002.45
Group	142,537.50
Other Insurance	34,742.08

Department of Public Works, Parks and Public Property

Commissioner=s Office	395.06
Public Buildings & Grounds, OE	3,937.50
Beach, S&W	72,187.50
Beach, OE	100,000.00
Parks & Playgrounds, OE	1,968.75
Celebration of Public Events, O.E.	1,299.38
Code Enforcement Officer, S&W	1,371.56
Code Enforcement, O.E.	72.19
Animal Control	525.00

Unclassified

Gasoline	15,750.00
Electricity	7,998.38
Telephone	7,888.13
Natural Gas	5,125.00
Street Lighting	8,801.63
Water	4,725.00
Fire Hydrant	5,250.00

Statutory Expenditures

Social Security (OASI)	27,118.88
Unemployment Compensation	2,142.00
DCRP	262.50

Interlocal Service Contracts

Fire, OE	8,373.75
Fire - LOSAP	4,134.38
Sanitation, S&W - Interlaken	29,400.00
Landfill - Interlaken	9,240.00
Sanitation, S&W - Loch Arbour	20,874.00
Sanitation, O.E. - Loch Arbour	6,300.00
Garbage - Contractual, O.E.	262.50

School Bus Driver	4,578.13
BAN Payments	67,905.00
Interest on Notes	5,886.62
<b>TOTAL GENERAL APPROPRIATIONS</b>	<b>1,184,297.36</b>

<u>Sewer Utility</u>	
Operating, O.E.	92,500.00
Operating, S&W	22,079.14
Social Security	1,837.50
<b>TOTAL SEWER UTILITY</b>	<b>116,416.64</b>

<b>TOTAL 2014 TEMPORARY BUDGET</b>	<b>1,300,714.00</b>
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VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

**RESOLUTION #25**  
**A RESOLUTION TO AUTHORIZE CONTRACT FOR IT SERVICES**  
Offered By: Mayor McLaughlin                      Seconded By: Comm. McLoughlin

**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 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided for in the budget for the year 2014 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 2014.

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

**RESOLUTION #26**  
**A RESOLUTION TO CANCEL OUTDATED CHECKS**  
Offered By: Comm. McLoughlin                      Seconded By: Comm. Bolan

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

<u>Check #</u>	<u>Date</u>	<u>Amount</u>
2187	3/04/13	\$ 1.00
2188	3/04/13	\$ 19.00
2195	5/03/13	\$114.00
2200	5/06/13	\$13.00

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

**RESOLUTION #27**  
**A RESOLUTION TO CONFIRM PAYMENTS AND PURCHASES**  
Offered By: Comm. McLoughlin                      Seconded By: Comm. Bolan

**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:



Burke Construction Inc. - \$4,000.00 for installation of berm

Kaldor Emergency Lights - \$3,885.41 for lights for new police vehicle

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

#### **RESOLUTION #28**

##### **A RESOLUTION TO PAY BILLS & PAYROLL (01/01/14 - 01/15/14)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That bills and payrolls totaling \$335,393.75 be approved for payment; and,

**BE IT FURTHER RESOLVED**, That the January 14th consolidated bill list be attached hereto and made a part thereof.

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

#### **RESOLUTION #29**

##### **A RESOLUTION AUTHORIZING PERSONNEL 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 matters which are exempt from the public meeting under the Sunshine Law.

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

#### **RESOLUTION #31**

##### **A RESOLUTION TO APPROVE SOCIAL AFFAIR PERMIT**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That a Social Affair Permit be granted to the Greater Ocean Township Chamber of Commerce for an affair to be held on Wednesday, February 5, 2014, from 5:30 PM to 7:30 PM, at Shore Antique Center, 413 Allen Avenue, Allenhurst; and

**BE IT FURTHER RESOLVED**, That the Chief of Police and the Borough Clerk are hereby authorized and directed to execute the application for said Social Affair Permit.

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

#### **COMMISSIONERS COMMENTS ON CONSOLIDATION RESOLUTION**

Mayor McLaughlin stated they held a joint meeting last Thursday to discuss a proposed consolidation plan. He has a number of issues with this plan. He does not recommend this plan and urged his fellow Commissioners not to endorse the plan. The State has told them they will not accept the plan. There is a problem with the \$5,000,000 offered by Loch Arbour. There is no way to form a special taxing district to fund the \$5,000,000. In this plan, there is a clean break from the Ocean Township school system. The State has said that is not the way it happens. Loch Arbour would go out of business on December 31<sup>st</sup>, but from January to June those children will still be attending Ocean Township schools. This concerns him. A resident at the meeting spoke passionately about sending her children to Ocean Township. He feels compassion for them. He wants to be sure every resident of Allenhurst is aware of these things. Parents are concerned

because they choose the school district when they bought their home in Loch Arbour. They could hire an attorney to fight this. They could get an injunction. A judge could be sympathetic and say that until it comes to court, he will not upset the child by removing him from the school. He gave Interlaken as an example. When they changed their school district and were challenged, an injunction was granted. They are still going to the new schools. Now others have jumped on the bandwagon because they want to send their children to the new school. These are the things he is thinking of.

Mayor McLaughlin continued, stating he is not sure that the financial analysis that was done was correct. Each year Allenhurst does a 250,000 capital improvement project. This was not calculated. Also, utilities go up as do pension and health costs. Those things were not figured. This is a good start, but they should dig further. He has been doing this for 11 years come October. He has gotten more feedback from residents who do not want to go near this, or who want them to slow down. No one has given him their opinion that they feel it should go forward. He feels very strongly about this. Usually the three Commissioners agree on everything. The Board of Commissioners in Loch Arbour did a good job. They have to look at this in depth and do a good job. He doesn't know if there will be a 21% tax savings. There are other issues. He wants to understand everything. Loch Arbour has \$2,000,000 in debt that they say they are going to pay down when they sever ties with Ocean Township. If things go badly for Allenhurst, it is still a good deal for Loch Arbour. They cannot submit an application this loosely and change numbers on the fly. This is a serious application.

Comm. McLoughlin stated he agrees with a lot of what the Mayor has said. He understands where he is coming from. However, he would like to hear from the State officially. At that point, they can make a decision. If it comes back that they cannot create a special taxing district, then it is dead and they stop. Until they get that feedback, it is worth pursuing. The flip side is that they are a small town. If they don't merge with Loch Arbour, Loch Arbour will merge with Interlaken. Interlaken has rebuffed their attempts to consolidate their police departments. It took 10 years to get a new fire truck. If that merger happens, Allenhurst will lose the sanitation contract and the fire/first aid contract. He would like to submit this to the State and hear what they have to say. He still thinks there is something to be said for letting the State respond.

Comm. Bolan stated he would vote with Comm. McLoughlin, contrary to the Mayor. There is a strong difference of opinion about how to move forward. He is tired of the paralysis by analysis. The Mayor of Loch Arbour is a bright, energetic guy who has proposed to give the town \$5,000,000. He has heard from no one that they are crazy to do this. He has heard from people who think this is a great tax savings for Allenhurst. They spent money to have a fiscal analysis done. They didn't pay him a large amount and got a cursory report. The State will do what they can to encourage consolidation in municipalities. The State's response was not that it could not be done. It was a one sentence reply. Let's get a reply in writing. There is pending legislation which will make it easier for this to happen. If they don't take this step, they will never know. If the State says no, they will not have to waste any more time or resources in exploring this.

## **PUBLIC COMMENTS**

Bernie Costello read a statement which he prepared. He was pretty disappointed to hear the Commissioner get up and say this is how he is going to vote before hearing what the public has to say.

"This is arguably the biggest decision in the history of Allenhurst, the consequences of which will last well into the future. Moving forward with anything less than a full understanding of all the issues and consequences makes no sense to me.

The taxpayers have been presented with materials that were not up to date in some matters and incorrect or incomplete in others; and then asked to opine on whether they are for moving forward or not.

If the information on the school transition timing had been disclosed prior to the meeting, you may have had additional questions and comments. The tax payers are entitled to an informed voice and I am sure it is informed voices you want to hear.

In spite of the \$5 million offer, this transaction is still financially lopsided. You heard a comment that the benefit is something in the area of 85% to Loch Arbor and 15% to Allenhurst. Even if that analysis is not quite accurate, it certainly doesn't feel like 50/50. So I don't see how we are adequately compensated getting less than 50% of the benefit and taking 100% of the risk.

I look at this as a three way negotiation with Allenhurst, Loch Arbor, and the State. If \$5mm, an arbitrary number because it is the size of our debt, is not adequate compensation, why would we put that number on the table in a formal plan submitted for approval? In spite of the repeated fact that we can pull out at any time, that is a flawed negotiating strategy. It is also flawed because you don't put a deal on the table when you know it will sit around without an answer while the state decides if it is going to fix its issues around one town paying another's debt.

We also heard some comments about the supposition that value of property in Loch Arbor increasing and thus creating more revenue for Allenhurst and adding to the balance. No comment was made about values decreasing because the schools go from Ocean Township to Asbury Park. I've been a real estate investor for over 40 years. If I want to make a bet on Loch Arbor values rising, I'll buy some property there. That would be a personal investment decision. For the consolidation, we should be dealing with the known facts.

While the special taxing district is a clever mechanism to attempt to isolate liability I am ignorant on whether it has been tested in the courts. I do believe it is only as good as its ability to meet its obligations. In the case of a court action in response to filings by Ocean Township or Loch Arbor families with children in its schools succeeding in keeping the children in Ocean Township schools temporarily, would the special district be able to meet its obligation of \$2 million to Ocean and \$1.5 million to Allenhurst for whatever length of time it would take the court to rule?

We also heard some scary things about how if we don't do this we are more vulnerable to a forced consolidation we don't want. I reject that idea. I reject it because we are not changing the fundamental nature of the issue that prompts state forced consolidation. We will still be a non-operating school district. We are here tonight because the last time the state acted it did so globally, without regard for local consequences. There was no investigation of local conditions. Loch Arbor got no special consideration for its prior efforts in shared services and its good intentions. Neither would a newly enlarged Allenhurst.

There are a number of unknowns here, including whether we would face any significant infrastructure costs both on a capital replacement basis and from a town that has been proven to be more vulnerable to storm damage. No engineering survey has been done to assess this. There seems to be time pressure to start this process so that Loch Arbor can exit its obligation with Ocean Township as soon as possible. That makes sense for them. But what's the rush for Allenhurst? There is little difference to us if we don't submit now. Our only consideration should be having every bit of information needed to assess the risk and balance the reward in this transaction.

The process feels like it is being rushed. The importance of this matter demands more of each of us.

While Loch Arbor officials have been persistent and in some quarters persuasive. We can't let the spirit of co-operation overwhelm the facts and our responsibility to the Allenhurst taxpayers.

I urge you to vote to reject submitting the plan at this time."

Randi Sternberg stated at Thursday's meeting, 99% of the Allenhurst people do not want this collaboration. All of Loch Arbour was cheering. She begged the Commissioners not to ignore the people.

Dennis Sternberg stated he thought their Mayor was a brighter bulb than another Mayor from another town. The people making this play are former Allenhurst people. They moved out of their own volition and to bring the ghosts of relatives past and homes past is a little quirky. He probably pays the most or the second most taxes in town. He resents the implication that someone who pays less tax cares more. No one wants to pay more taxes. When this is decided, they will be stuck with the decisions made today. The people sometimes know what is best and the people do not want this.

Pat McGinnis stated she agrees with Mayor McLaughlin and disagrees with sending the proposal to the State. Most of the town is opposed to it. Why send it to the State? She doesn't believe \$5,000,000 will be a lot over the long run. It could cost them more than that. She urged them to at least study it some more. In this car, Allenhurst is in the back seat being driven by Loch Arbour.

Sandra DeMurley stated she has not formed an opinion one way or the other on the consolidation issue. She would like to see the comments from the State. She supports Comm. Bolan and Comm. McLoughlin. The town is not committed to this plan.

Frieda Shalam asked the Commissioners to put more due diligence into the process. She asked Comm. Bolan how, as an attorney, he could represent them and say he doesn't want to put any more money into this.

Comm. Bolan stated there is a misapprehension as to what is going on. They are talking about sending a plan to the State which the State already has. They are voting to send it formally so that they can get a formal response. If the State says there is no way it can be done, the deal is dead. Let's find out if the central idea is even doable. They can respond yes, no or with another solution which will require the submission of a new plan. Sending kids to Ocean Township is not a part of the plan. They, as Commissioners, won't agree to it.

Mayor McLaughlin stated, as a Board, they seldom disagree. The issue that he has is that they are submitting something they know is flawed.

Mrs. Shalam stated that not enough homework has been done. Why are you in a rush? Let's know everything first.

Comm. Bolan stated because people are losing their houses.

Joseph Sabbagh stated that should not be brought into it. He commented that they are asking the State for guidance. The State should not be brought into it. They should guide themselves. He has family in Loch Arbour as well.

Kevin Rogers stated that when he first got the document, he thought it was a good start. He never thought that this is what would be sent to the State. He has negotiated deals for 30 years. This is where you start. First, you never put a number down. Don't put \$5,000,000 or 21%. It is half-baked. People get confused by the numbers. Loch Arbour's savings will be much larger. Five million dollars is arbitrary. It is difficult to change the numbers up. The document being sent to the State should be a hundred pages. This is something worth spending money on. Having students go to Ocean from January to June is not even in the plan.

Comm. Bolan asked, "Isn't the issue whether or not they can have a special taxing district?" If that doesn't fly, why micro-manage it?

Mr. Rogers stated that this is 1% done. They need to be at least 75% done.

Comm. McLoughlin replied that the State will not give a definitive answer without a plan being submitted. They can do nothing without a vote to send it to a ballot. There are two issues, the taxing district and paying off debt. If it does not fly, it dies. There must be three public hearings with the State involved.

Mayor McLaughlin stated that they previously sent questions to the State in writing and they responded in writing. A subcommittee was formed to look over those questions. He stated that you can get answers from the State. He doesn't buy the argument that you have to submit a plan to get answers from the State. He stated they have a letter from the Commissioner of Education. That is his opinion, nothing more. They have received nothing from the Attorney General's office.

Mrs. Sternberg stated that the point is being missed. A majority of residents do not want to do this at all. Stop. If there was a vote now, it would be a big fat No.

Larry O'Rourke stated even if the plan were approved by the State, it would be voted down by the people. The Board just approved an ordinance to assess properties at \$40,000, yet they are willing to risk the future of the town on a \$1,000 study. He stated that the school budget is \$185,000, including transportation, vocational school, etc. The figure of a \$36,000 to \$37,000 increase are fictitious. They heard from a Loch Arbour resident with three children. One special needs child can cost \$110,000 a year. Even with the additional revenue, they will be paying 77% of the school costs post consolidation. The future costs will be everyone's. He was told there was pending legislation. He looked it up. It came out of a committee in December of 2013. It

has not been introduced in the Assembly. There is a long way to go before it becomes legislation. It suggested that a financial arrangement could be worked out. It didn't get into details. There is no provision for a special taxing district. The idea of submitting a plan that has not begun to be vetted, just to get an answer will result in what everyone does not want.

Comm. Bolan stated that they spent \$5,000 on the study, which is not nothing. He asked if every special needs child cost \$110,000. Mr. O'Rourke responded that he inquired about it and that is an average. Comm. Bolan asked if Mr. O'Rourke had data on Loch Arbour and Mr. O'Rourke responded that they have 18-20 kids.

Comm. Bolan stated that the concern over the next few years is legislation passed by McGreevey. Although it has not been used, there is concern that they will be told their children will be sent to another school district. They thought about doing something themselves so they wouldn't be forced into redistricting. He is afraid that if they say no, they put themselves in the spotlight as the poster child for a municipality refusing to cooperate.

Mr. O'Rourke stated that he doesn't see that. That legislation passed in '09. At that time there were 27 non-operating districts that were eliminated, which is about half. It was thought they would push them into Asbury Park, where they are already a sending/receiving district. It is the State's desire not to create financial harm to the sending town. In Sea Girt, they were redistricted with a formula of 98% based on number of students and 2% based on property values. Other towns were redistricted based on the same formulas they had been using. He doesn't see the one issue being connected to the other. He feels strongly that if the current legislation were used, it would be hard for the State to redistrict Allenhurst using a more onerous property value assessment than they have been using.

Joe Sabbagh stated that the financial analysis was made without thought to future risk. It is based on the assumption that everything remains the same. Their costs and risks will be bloated. Let's not send a one-dimensional picture.

Bob Scally stated he respected Comm. Bolan. It will not be this Governor or this Board that will put them into Ocean Township. Five million dollars will look like chicken feed when that happens. There is more to lose than to gain.

Dr. Sternberg asked if anyone would like to be the first to jump into a pool to see if he will break his neck. Comm. Bolan talked about a spotlight. He felt they would be in the spotlight by sending a plan to the State. He spoke to a woman in Loch Arbour. Anyone who buys a home in Loch Arbour expects a certain school system. Those people will not go away. Ocean Township will not go away. It is a matter of economics.

Pat McGinnis stated she was impressed with everyone's comments. They can get their questions answered. She doesn't feel as if the Commissioners are listening. She asked them to find out what the entire town thinks before submitting a plan. Everyone is saying no to this plan.

Mr. Costello asked if the Commissioners felt this was the best plan they could submit.

Comm. McLoughlin stated he did not feel this was the best plan. He didn't think anyone was going to come up with a best plan. He is not going to think about everything under the sun. He does, however, think it is a jumping off point. There has been a consolidation in New Jersey between the Princetons. It has been three years and it has been working well. This will not be the final plan. The State cannot force a change in Home Rule. He has had people coming to him and saying that they would like to see what happens. He doesn't think that discarding something carte blanche is the right thing. If they don't take this step, the State will not come back to them. If they just reject this, he can see Allenhurst as a donut town in 10 or 15 years.

Mr. Costello stated that if the Commissioners think the plan can be improved, it should be improved before it is submitted. If they don't want to do this, but only want feedback from the State, it is not right.

Kevin Rogers asked if they could get a copy of the merger documents for the two Princetons.

Mayor McLaughlin stated there is no way they should be submitting an application and doing this on the fly. He has tried to keep an open mind, but you don't go into something

knowing it is wrong. It only creates confusion for the public.

Joe Sabbagh agreed and stated you cannot make comparisons to Princeton. They are unique. Allenhurst's isolationism is its strength. They are an example of a well-run town.

Kevin Rogers stated he was only suggesting the paperwork so that they can look at the level of detail that went into the document.

Comm. McLoughlin stated that the State helped the Princetons create the plan.

Mr. O'Rourke stated that it failed twice at the polls. Also, it is a different situation. Those two towns had fully functioning governments.

Mrs. Sternberg stated that Allenhurst has survived and done well in its 117 years. The Allenhurst citizens have elected these Commissioners and they should represent the will of the people. She felt that they were not listening.

Dee Vignone stated that Comm. McLoughlin said something about Loch Arbour merging with Interlaken. She doesn't know if that will happen and for the same reasons. She felt that eventually, they will all have to consolidate. Why rush it? She doesn't see the gain. If Loch Arbour wants to merge with Interlaken, let them. She would rather see her taxes go up than get embroiled in this.

Joe Sabbagh stated one of the unique natures of this community is that there are a lot of older residents and summer residents. These people don't use the school.

Comm. Bolan stated that a consultant told them about a merge in school districts where the people were highly vocal against consolidation, but it passed by 97%. He is glad for the public comments and he is listening. He has spoken to other people as well. The naysayers seem to come out more vociferously. He hears that they do not want to consolidate based on this plan. They will not consolidate based on this plan. He needs to hear from the State. They did not get answers from the State a year ago. The answers they got are not comprehensive. This is at a basic level. He feels they should find out whether or not they can do this.

Mayor McLaughlin brought up the subject of a non-binding referendum and Comm. McLoughlin stated he did not want to do that as no one knows what they will be voting on. Mayor McLaughlin stated it is a simple question on whether or not they want to continue this process. It will require a great deal of analysis.

Mrs. Varley asked if a non-binding referendum was done, could taxpayers as well as registered voters vote on this. They should have a say in this.

Mark Horowitz stated that a lot of people have good points. He doesn't know where he stands yet on this issue. It is presumptuous of people to say how he will vote. He asked the Commissioners to get the facts and have a real vote. He would like the information.

Ms. McGinnis stated she is hearing from all three Commissioners that this is not the plan they want. She is asking for a non-binding referendum and if they pursue this to come up with a plan that will benefit Allenhurst. Why are they asking the State to do this work?

Joe Sabbagh stated he didn't know if he wanted to put his faith in government. They will do what is good for the State, not Allenhurst. They will have a myopic view.

Joe Tomaino stated he agreed that a plan should be submitted to the State at some point in time. He felt the Commissioners owed that to the community. However, he doesn't feel that this particular plan should be offered at this moment. The risk/reward ratio is not fair to Allenhurst. If the State agrees to the special taxing district, they will be locked into \$5,000,000 terms. It should be negotiated more in favor with Allenhurst. He has not decided how he would vote either. If he had to vote tonight, it would be no. He asked the Commissioners to defer voting on this tonight.

Rose Myer stated she is with Mark and Joe in not knowing how she would vote yet. She stated she missed most of the conversation tonight, but she was under the impression that they could put the brakes on this at any time. She thought the plan had flaws and she would rather be

in the driver's seat.

Mayor McLaughlin stated they should put their best foot forward. The taxing district is one issue and timing is another.

Comm. McLoughlin stated he is for a three-party negotiation. He want the State to tell them what they can and can't do.

Kevin Rogers asked if the Commissioners were comfortable at 21%. Comm. McLoughlin stated that he was. It is more than just a number. There is the benefit of additional revenues. It gives them the ability to keep their first aid or to not lay off any public works employees.

Kevin Rogers asked why settle for 21%. The positives for Loch Arbour far outweigh the positives for Allenhurst. They should put everything in the document and let them say no. They are doing the opposite. There should be an equal savings in both towns. They are not even close to that.

Comm. McLoughlin stated he is afraid of becoming a donut town. Mayor McLaughlin stated they cannot become a donut town. That would mean that Loch Arbour would have to merge with Deal. Comm. McLoughlin stated that it may not be a donut town, but they would be isolated.

Mr. O'Rourke asked if there was a timetable and Mayor McLaughlin stated there is no timetable. There is no answer as to when they would have their first public hearing. Comm. Bolan stated that it would be held when they were ready to have the meeting. Comm. McLoughlin again stated that they will pull the plan if they don't get answers.

Bernie Costello asked how long they would wait. If you submit this plan, you are going in weak.

Evelyn Papageorge stated she didn't know which way she was going to vote. There is a lot of disagreement. There are a lot of intelligent people who live in town. She asked the Commissioners to form a subcommittee and make the plan stronger.

Comm. McLoughlin stated nothing can happen without a vote of the town.

Aris Papageorge stated they should submit their questions and get answers first. If we submit an application and then pull it, the spotlight will be on Allenhurst and their unwillingness to consolidate.

Comm. Bolan stated the reality is that Loch Arbour can only give so much. They are in the third year of negotiations. Without the special taxing district, the plan is a non-starter.

Mayor McLaughlin disagreed. They cannot submit an application they know is flawed. This is a very unique situation for the State. They are not forming a new town. There is a town going out of business. They can't do this on the fly.

Comm. Bolan asked what the next step would be. If they don't know whether or not they can do this, what is the next step?

Mr. Sabbagh asked how Loch Arbour could afford to pay \$5,000,000. Comm. McLoughlin stated they pay \$2,000,000 a year to Ocean Township.

Mrs. Sternberg asked what would be the downside to waiting.

Ms. McGinnis stated they have heard a lot of good ideas including a subcommittee or a referendum or just writing a letter to the State to get answers to some questions.

Dr. Sternberg stated he remembered when Ocean Grove was a unique town. There was legislation that made it a part of Neptune Township. This is a dangerous precedent. Don't turn this into a monster that you can't take back.

Sallie Carrigan stated she agreed with the Mayor that it should be tweaked until they are happy with it themselves. Comm. Bolan and Comm. McLoughlin give the impression that they

want to hurry this up. Maybe they are tired of being bothered about it.

Mr. Scally asked how many homes were in Allenhurst. When he was told there were 352, he stated that is not a lot of money per home divided over 10 years.

Mr. Costello stated they shouldn't vote to send this down unless they would vote for the plan.

Alex Adjmi stated this is not a good plan. There are several ways to raise money. Either raise taxes or do something at the beach or on Main Street. Don't do something that might bite them back. He felt the summer residents should be able to vote as well. They should have a say. People want to live here. They love what Allenhurst is about.

Mr. Sabbagh asked what the town has done to think about making the town better with more revenue. Mayor McLaughlin stated that they are doing a lot. They have increased revenue quite a bit in the last 8 or 9 years. They have several interlocal agreements in place. Services have increased. Taxes have not gone up.

Ms. McGinnis asked if someone would move to set up a subcommittee or authorize a referendum.

Comm. Bolan stated that right now, what is on the table is to send or not send the plan.

Comm. McLoughlin moved, seconded by Comm. Bolan that public hearing be closed. Motion carried.

#### **RESOLUTION #30**

**RESOLUTION OF THE BOROUGH OF ALLENHURST, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE SUBMISSION AND FILING OF AN APPLICATION WITH THE LOCAL FINANCE BOARD OF THE DEPARTMENT OF COMMUNITY AFFAIRS FOR CONSOLIDATION OF THE BOROUGH OF ALLENHURST AND THE VILLAGE OF LOCH ARBOUR PURSUANT TO THE LOCAL OPTION MUNICIPAL CONSOLIDATION ACT, N.J.S.A. 40a:65-25 et seq.**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, The Borough of Allenhurst and the Village of Loch Arbour have prepared a consolidation plan for the consolidation of Borough of Allenhurst and the Village of Loch Arbour which provides that, in the event of consolidation, the Village of Loch Arbour would be dissolved and would cease to exist as a separate town, and the current boundaries of the Borough of Allenhurst would be extended to include all of the properties currently located in Loch Arbour; and,

**WHEREAS**, The Board of Commissioners of the Borough of Allenhurst are desirous of adopting the aforesaid consolidation plan and submitting an application to the State of New Jersey, Department of Community Affairs, Division of Local Government Services, Local Finance Board for consolidation of the municipalities.

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, as follows:

1. The report entitled, "Consolidation Plan for the Borough of Allenhurst and the Village of Loch Arbour pursuant to the Local Option Municipal Consolidation Act, N.J.S.A. 40A:65-25 et seq." be and hereby is formally adopted by the Board of Commissioners.
2. In addition to the consolidation plan, the Board of Commissioners of the Borough of Allenhurst does hereby authorize submission of the "Report to the Borough of Allenhurst & the Village of Loch Arbour on the Projected Budget and Tax Impact of Consolidation of the Two Municipalities" prepared by Summit Collaborative Advisors, LLC to the State of New Jersey, Department of Community Affairs, a copy of which is attached hereto and made a part of the consolidation.
3. The Mayor, the Borough Clerk and the Borough Attorney are hereby authorized to complete and execute an Application to Approve a Municipal Consolidation Plan Pursuant to the Local Option Municipal Consolidation Act, (N.J.S.A.40A:65-25 et seq.) with the State of New Jersey, Department of Community Affairs, Division of



Local Government Services, Local Finance Board, and to execute any and all further documents necessary to affect the purposes of this resolution and to make application to the Local Finance Board for approval of the aforesaid consolidation plan.

4. A certified copy of this resolution shall be sent to:
  - a. Village of Loch Arbour
  - b. Department of Community Affairs, Division of Local Government Services.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-NO

**REGULAR PUBLIC HEARING**

There was no response to Mayor McLaughlin's request for comments on other subjects.

There being no further business, it was decided not to hold the personnel caucus and Comm. McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned. Motion carried.

Lori L. Osborn, RMC  
Clerk-Administrator