

MINUTES
June 9, 2020

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

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:

None

ANNOUNCEMENTS:

None

ORDINANCES

ORDINANCES

ORDINANCES – FIRST READING

ORDINANCE #2020-10

**AN ORDINANCE REVISING CHAPTER X OF THE BOROUGH CODE OF THE
BOROUGH OF ALLENHURST ENTITLED “BEACH REGULATIONS.”**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Borough Code concerning the Beach Regulations to address the needs of the community;

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that Chapter X of the Borough Code of the Borough of Allenhurst be and is hereby revised to delete the existing subsection “10-1.6(c)” entitled “Guest Charges” and replace it with the following:

10-1.6(c) Guest Charges.

1. Each individual bathing guest (age 3 and older) using a member's bathhouse or cabana must submit one (1) guest pass per day; Children, age 3 and under will be admitted at no charge. 2020 Guest passes will be valid for use until June 30, 2021, or for such time as the Board of Commissioners may determine by Resolution, when guests are accompanied by a registrant of the Allenhurst Beach Club Facilities.

2. 2020 Guest tickets will be sold individually, at the discretion of the governing body, for \$15.00 per Guest ticket. Individual 2020 Guest tickets are good for one individual, for one day's admission. Said Individual 2020 Guest tickets will only be valid for use until June 30, 2021 or for such time as the Board of Commissioners may determine by Resolution.

3. Packages of 2020 Guest tickets will be sold in groups of ten (10) passes for \$150.00. If purchased on or before June 30, 2020, the packages of 2020 Guest tickets will be sold at the discount price of \$130.00. There is no limit on the number of packages that may be purchased but, be advised that they are only valid for use until June 30, 2021 or for such time as the Board of Commissioners may determine by Resolution.

And, it is further

ORDAINED that except as herein above provided, the remainder of Chapter X, BEACH REGULATIONS, shall remain unaltered and in full force and effect; and it is further

ORDAINED that the provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of this ordinance shall stand notwithstanding the invalidity of any part; and it is further

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

RESOLUTION #2020-144
A RESOLUTION TO RATIFY AND APPROVE MINUTES

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

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

BE IT RESOLVED, That the Clerk dispense with the reading of the minutes of the special meeting of May 21, 2020 and the Regular Meeting of May 26, 2020.

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

BE IT RESOLVED, That the following refund of fees associated with the a mercantile license, as landlord is not renewing the lease.

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

BE IT RESOLVED, That the following refund of ABC fees be approved:
Daniel Stewart –Overpayment of Fees - \$465.00 – Member Number 745

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

Jennifer Ingulli	Maintenance	\$16.00	Hour
Sebastian Pena	Cabana	\$10.30	Hour

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

WHEREAS, the United States of America, the State of New Jersey, the County of Monmouth, and the Borough of Allenhurst (the “Borough”) are victims of the COVID-19 Virus

and Pandemic (the “Coronavirus”); and

WHEREAS, on March 27, 2020, the Coronavirus Aid Relief and Economic Security Act (the “CARES Act”) was signed into federal law; and

WHEREAS, the CARES Act was enacted, among other purposes, in order to combat the economic damage to states, counties and municipalities caused by the Coronavirus; and

WHEREAS, the County of Monmouth has received CARES Act funds from the United States Treasury (the “Funds”) to reimburse the County for economic damage caused by the Coronavirus; and

WHEREAS, as the recipient of the Funds, it is the responsibility of the County of Monmouth to disburse the Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by the federal government; and

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth have determined that it is in the best interests of the citizens of the County to dedicate a share of the Funds to reimburse municipalities, such as the Borough, for Coronavirus-related costs and expenses under the Municipal Coronavirus Relief Fund Program (“the Program”); and

WHEREAS, the County of Monmouth has presented the Borough with a Reimbursement Agreement, setting forth the terms and conditions of the Program under which the Borough may choose to participate; and

WHEREAS, the Board of Commissioners have determined that it is in the best interests of the residents of the Borough to participate in the Program offered by the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey hereby approve the Reimbursement Agreement with the County of Monmouth; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Reimbursement Agreement, and

BE IT FURTHER RESOLVED that a copy of this Resolution, together with the executed Reimbursement Agreement, shall be forwarded to the Administrator, Clerk, CFO, Auditor, and the County of Monmouth.

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

RESOLUTION #2020-150

A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #2

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, A contract was awarded to Fernandes Construction, Inc. for the Improvements to Corlies Avenue and,

WHEREAS, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer’s Certificate #2, which is on file in the Clerk’s office;

WHEREAS, Funds for this purpose shall be provided through the Ordinance 19-10 Corlies Avenue Road Improvement (C-04-55-982-000), and the CFO has so certified;

NOW, THEREFORE, BE IT RESOLVED, That Fernandes Construction, Inc. be compensated in the amount of \$258,861.63 for work done in accordance with the Engineer’s Certificate #2.

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

RESOLUTION #2020-151

RESOLUTION TO ADOPT THE REGULATIONS OF PL 2016, CH 29 – ELECTRONIC FUNDS TRANSFER AND VENDOR CERTIFICATIONS (NJAC 5:30-PA.6)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, on August 18, 2016 the State of NJ legislature adopted PL 2016, Ch 29 which would allow local units to 1) utilize standard electronic funds transfer technologies and 2) greater flexibility on when to require a vendor certification prior to paying claims; and

WHEREAS, the Local Finance Board adopted the rules and regulations that the local units must adhere to in order to enact the provisions of the law; and

WHEREAS, N.J.A.C. 5:30-9A.6 allows that municipalities may by resolution set forth the circumstances when they will or will not require a vendor (claimant) signature on a purchase order; and

WHEREAS, the Chief Financial Officer has determined that the following circumstances be applied with respect to this act

Vendor Signature Required (stamp, fax electronic or wet is acceptable)	Vendor Signature not Required (rule language)
Employee Reimbursements	Vendors who are paid through EFT technologies
For services provided exclusively and entirely by an individual or professional service	Vendors who do not provide certifications part of the normal course of business
Refund of municipal revenue	Debt Service
Retiree reimbursements	Non Municipal Taxes
Individual /sole proprietor or single member LLC	Utilities regulated by tariff
Any situation deemed necessary by the CFO or his designee	

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst that the above vendor claimant circumstances recommended by the Chief Financial Officer be enacted effective June 9, 2020.
VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

RESOLUTION #2020-152

A RESOLUTION TO APPROVE MEETING DATES

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

BE IT RESOLVED, That pursuant to the Open Public Meetings Act, the Board of Commissioners of the Borough of Allenhurst adopts the following schedule of meetings for the year 2020, said meetings to be held at Borough Hall, 125 Corlies Avenue, on the dates listed at 7:30 P.M., unless otherwise indicated:

June 23	September 22
July 14	October 13
July 28	October 27
August 11	November 10
August 25	November 24
September 8	December 8
	January 12, 2021

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 #2020-153

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF \$1,165,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY, AND DETERMINING VARIOUS MATTERS IN CONNECTION THEREWITH

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

WHEREAS, the Borough of Allenhurst, in the County of Monmouth, New Jersey (the “Borough”) has heretofore adopted, from time to time, various bond ordinances (the “Bond Ordinances”) authorizing various capital improvements, and the issuance and sale, from time to time, of its bonds and bond anticipation notes in order to finance such capital improvements; and

WHEREAS, the Bond Ordinances authorize the Chief Financial Officer to sell any bond anticipation notes thereunder at public or private sale, as determined by the Chief Financial Officer; and

WHEREAS, the Borough has applied to The Monmouth County Improvement Authority (the “MCIA”) to participate in its pooled governmental note financing program (the “Program”); and

WHEREAS, under the Program, the MCIA will issue and sell its pooled notes (the “MCIA Notes”), which MCIA Notes will be secured by (i) payments by various governmental entities located in Monmouth County (including the Borough) under various notes issued by such entities to the MCIA and (ii) the unconditional guaranty of the County of Monmouth (the “County”); and

WHEREAS, on May 13, 2020, the New Jersey Local Finance Board held a hearing and issued positive findings in respect of the issuance of the MCIA Notes by the MCIA; and

WHEREAS, the Borough wishes to participate in the Program, and to issue and sell all or a portion of its bond anticipation notes to the MCIA; and

WHEREAS, the Borough will receive a proposal for the purchase of such bond anticipation notes from the MCIA, which purchase will be effected through a note purchase agreement to be entered into between the Borough and the MCIA; and

WHEREAS, the Borough acknowledges that the MCIA intends to execute a contract of purchase with an underwriter pertaining to the sale of the MCIA Notes, the proceeds of which shall be used by the MCIA, inter alia, to purchase the such bond anticipation notes of the Borough; and

WHEREAS, the Borough now wishes to authorize the issuance and sale of its bond anticipation notes, and the issuance and sale of all or a portion thereof to the MCIA;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COMMISSIONERS OF THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY, as follows:

SECTION 1. The Chief Financial Officer is hereby authorized to cause all or a portion of its bond anticipation notes (the “Program Notes”) to be issued and sold to the MCIA in accordance with the Program.

SECTION 2. The terms and conditions of the sale of the Program Notes to the MCIA shall be set forth in a Note Purchase Agreement to be dated on or about the date of pricing of the MCIA Notes, between the MCIA and the Borough. The execution and delivery by the Mayor, the Business Administrator or the Chief Financial Officer of the Borough (each, an “Authorized Officer”) of the Note Purchase Agreement, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 3. The Borough hereby authorizes the use of certain information concerning the Program Notes and the Borough in the Preliminary Official Statement and final Official Statement of the MCIA, to be used in connection with the marketing and sale of the MCIA Notes.

SECTION 4. The execution and delivery by an Authorized Officer of a Continuing Disclosure Agreement, if any, to be dated as of the date of closing of the MCIA Notes, between the Borough and the trustee for the MCIA Notes, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 5. A portion of the proceeds of sale of the Program Notes to the MCIA may be retained by the MCIA as payment for the Borough’s allocable share of issuance expenses and expenses related to the County Guaranty. Any Authorized Officer is hereby authorized and directed to pay all of the costs associated with the sale and issuance of the Program Notes.

SECTION 6. The Authorized Officers and any other officer of the Borough, and the staff and consultants of the Borough, are hereby authorized and directed to take all actions and execute any other agreement which may be necessary or convenient to effectuate the terms of this resolution in connection with the issuance, sale and delivery of the Program Notes, which includes the review and delivery of a preliminary official statement and official statement on behalf of the Borough, and the execution of the Note Purchase Agreement, the Continuing Disclosure Agreement, if any, and any other agreement to be executed in connection with the issuance of the Program Notes or the MCIA Notes.

SECTION 7. This resolution shall take effect immediately.

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

RESOLUTION #2020-154

A RESOLUTION TO CONFIRM 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;

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

