

REGULAR MEETING – JANUARY 9, 2017 - 7:30 P.M.

Pledge of Allegiance.

Roll Call: Commissioner Mahon, Commissioner Gorman, Mayor Magrini

Borough Clerk reads the following statement:

This is a regular meeting of the Board of Commissioners of the Borough of Avon-By-The-Sea and notice of time, date and place has been transmitted to the area newspapers, Avon Board of Education, Avon Public Library and the Avon Post Office in compliance with the rules and regulations of the Open Public Meetings Law.

Fire Exits are located in the direction I am indicating. In case of fire, you will be notified by an alarm bell. If so notified, please move in a calm, orderly manner to the nearest smoke free exit. Thank you.

Motion by Mahon seconded by Magrini that the minutes of the meeting of December 12, 2016 be approved as written.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that,

ORDINANCE NO. 1-2017 entitled:

**“AN ORDINANCE AMENDING AND
SUPPLEMENTING THE CODE OF THE
BOROUGH OF AVON-BY-THE-SEA,
CHAPTER 121, “RIVERFRONT PARK
& MARINA.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by Mahon that the above Ordinance No. 1-2017 be taken up on second reading with a hearing on January 23, 2017 at 7:30 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that,

WHEREAS, R.S. 40A:4-19 of the Local Budget Law provides that while any contracts, commitments or payments are to be made prior to the adoption of the 2017 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, 26.25% of the total appropriations in the year 2016 budget, exclusive of any appropriation in the 2016 capital improvements and debt service, is \$430,000.00 in the Beach Utility Budget, \$299,000.00 in the Water Utility Budget and \$1,100,000.00 in the Current Budget for a total of \$1,829,000.00.

NOW, THEREFORE, BE IT RESOLVED that the temporary appropriations are made and that a certified copy of this resolution be transmitted to the Chief Financial Officer.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that,

WHEREAS, R.E. 17:9-9 and N.J. 40:5-A5-14 provide for the designation of depositories for Municipal Funds by Resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Avon-By-The-Sea Commissioners that the following banks be designated for deposit of Borough Funds.

Amboy Bank, Bank of America, Kearny Bank, Dean Witter Trust Company, State of N.J. Cash Management Fund, Investors Bank, Ocean First Savings Bank, PNC Bank, Sovereign Bank, Sun Bank, TD Bank, Valley National Bank, Wells Fargo Bank.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that,

WHEREAS, the Borough of Avon-By-The-Sea has budgeted funds for 2017 for payment of utilities, payroll, debt service, governmental fees, and insurance, and for the printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the governing body does not meet for a period of one month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Commissioners of the Borough of Avon-By-The-Sea that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill lists, such funds to be taken from the pre-budgeted amount for each such expenses for 2017;

- 1. Utilities (electric, gas, water, sewer, cable and telephone).**
- 2. Payroll.**
- 3. Debt services as evidenced by pre-existing bonds and notes.**
- 4. Health, dental and other insurance premiums.**
- 5. Federal, state, county fees and taxes.**
- 6. Postage for tax bills, newsletters, and other Township mailings.**

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that,

BE IT RESOLVED that upon the recommendation of the Borough of Avon-By-The-Sea Tax Collector:

- 1. There shall be a ten (10) day grace period on the quarterly taxes, after which unpaid taxes will be charged interest back to the due date.**
- 2. Interest shall be charged and calculated at the rate of eight (8)% per annum on the first \$1,500.00 of the delinquency, and eighteen (18)% per annum on any amount in excess of \$1,500.00 calculated from the date the tax was payable until the actual payment is received until all of the delinquencies on a property are brought to a current status.**
- 3. There shall be a six (6)% penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year. Delinquency is defined to mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters.**
- 4. Redemption fees for Tax Sale Certificates are as follows:
Two (2)% on certificates \$200.00 to \$4,999.99
Four (4)% on certificates \$5,000.00 to \$9,999.99
Six (6)% on certificates over \$10,000.00**
- 5. A service charge of \$20.00 will be charged for each returned check, used to make any payment to the Borough of Avon-By-The-Sea, for any reason specified by a financial institution.**
- 6. A fee of \$5.00 will be charged for the first duplicate copy of the tax bill requested by a mortgage servicing organization and a fee of \$25.00 will be charged to each subsequent duplicate copy of the same bill in the same tax year.**
- 7. All tax sale certificate redemption amounts shall be obtained from the Tax Collector. In addition, a \$25.00 fee will be charged for each additional request for a redemption.**
- 8. There shall be a fee of \$100.00 for the issuance of a duplicate tax sale certificate.**

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon that,

WHEREAS, NJSA 40A:5-14 mandates that the Governing Body shall, by Resolution passed by a majority of the membership thereof, approve a Cash Management Plan;

NOW, THEREFORE, BE IT RESOLVED by the Borough Commissioners of the Borough of Avon-By-The-Sea as follows:

- 1. The attached updated Cash Management Plan will guide the investment of idle cash of the Borough of Avon-By-The-Sea.**
- 2. The attached updated Cash Management Plan includes a Policy Statement to guide its implementation.**
- 3. The Chief Financial Officer will administer the Plan.**
- 4. The Plan is subject to annual audit.**

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the following:

- 1. Borough Chief Financial Officer.**
- 2. Borough Auditor.**
- 3. All depositories named in Section IV of the attached updated Cash Management Plan.**
- 4. All dealers and brokerage firms in Section V of the attached Cash Management Plan.**

The Vote:

Aye: All
No: None

RESOLUTION offered by Magrini seconded by Mahon that,

BE IT RESOLVED by the Board of Commissioners that the official newspapers used by the Borough of Avon-By-The-Sea for the year 2017 will be the Asbury Park Press, The Coast Star, and The Coaster.

The Vote:

Aye: All
No: None

RESOLUTION offered by Magrini seconded by Mahon that,

WHEREAS, the Open Public Meetings Act (CH 231, P.L. 1975) became effective on January 19, 1976, and

WHEREAS, in accordance with said act, it is necessary for the Borough of Avon-By-The-Sea, as a public body, to post and maintain a schedule of the regular meetings of the public body to be held during the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the Municipal Clerk is hereby authorized to do the following:

- 1. Post the schedule of meetings on the bulletin board in Borough Hall, which sets the time, date and location of all regular and workshop meetings. The public as always will be allowed to participate in the regular meetings and a portion of the workshop meetings will be set aside for public comment. Action will only be taken at the regular meetings unless otherwise advertised in advanced.**
- 2. Mail a copy of this resolution and schedule to the official Borough newspapers.**

The Vote:

Aye: All
No: None

RESOLUTION offered by Mahon seconded by Magrini that Timothy M. Gallagher is hereby designated as the Public Agency Compliance Officer for the Borough of Avon-By-The-Sea.

The Vote:

Aye: All
No: None

RESOLUTION offered by Magrini seconded by Mahon that Scott Hauselt is hereby appointed the Superintendent of Public Works effective January 1, 2017.

The Vote:

Aye: All
No: None

RESOLUTION offered by Mahon seconded by Magrini that the following appointments be made:

Michele Darling	Deputy Borough Clerk	1 year term	End 12/31/17
Douglas Carter	Recreation Director	1 year term	End 12/31/17

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon that the Board of Commissioners hereby appoint Benjamin Choi as Municipal Prosecutor for the year 2017. This appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and is, therefore, exempt under N.J.S.A. 40A:11-5.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that,

WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Engineer and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Administrator 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 one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and

WHEREAS, Charles J. Rooney has submitted and/or will submit a proposal indicating he will provide engineering services for no more than \$135.00 per hour; and

WHEREAS, Charles J. Rooney has completed and submitted a Business Entity Disclosure Certification which certifies that Charles J. Rooney has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit Charles J. Rooney from making any reportable contributions through the term of the contract, and

WHEREAS, funds will be provided for in the 2017 Municipal Budget,

WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Charles J. Rooney as described herein;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that,

WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Attorney and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Administrator 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 one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and

WHEREAS, Barry A. Cooke has submitted and/or will submit a proposal indicating he will provide legal services for \$130.00 per hour; and

WHEREAS, Barry A. Cooke has completed and submitted a Business Entity Disclosure Certification which certifies that Barry A. Cooke has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit Barry A. Cooke from making any reportable contributions through the term of the contract, and

WHEREAS, funds will be provided for in the 2017 Municipal Budget,

WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Barry A. Cooke as described herein;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that,

WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Auditor and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Administrator 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 one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and

WHEREAS, Robert A. Hulsart has submitted and/or will submit a proposal indicating they will provide the municipal auditing for \$26,000.00; and

WHEREAS, Robert A. Hulsart has completed and submitted a Business Entity Disclosure Certification which certifies that Robert A. Hulsart has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit the Robert A. Hulsart from making any reportable contributions through the term of the contract, and

WHEREAS, funds will be provided for in the 2017 Municipal Budget,

WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Robert A. Hulsart as described herein;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Magrini that the Board of Commissioners hereby authorizes the cancellation of 2016 water/sewer charges for the following accounts:

Block 15 Lot 8	415 Woodland Avenue, House	Demo	\$58.34
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The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that,

WHEREAS N.J.S.A. 40A:11-11(10) authorizes contracting units to establish a Joint Purchasing System and to enter into a Joint Purchasing Agreement for its administration; and

WHEREAS the Borough of Neptune City, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Joint Purchasing System for the provision and performance of goods and services; and

WHEREAS, on October 15, 2013 the governing body of the Borough of Neptune City, County of Monmouth, State of New Jersey duly considered

participation in a Joint Purchasing System for the provision and performance of goods for Police Department Equipment for Training Purposes, including but not limited to Simunitions Equipment.

WHEREAS, the following towns: Avon by the Sea, Asbury Park, Belmar, Bradley Beach, Brielle, Manasquan, Neptune Township, Sea Girt, Spring Lake, Spring Lake Heights, and Wall have expressed interest in participation.

NOW, THEREFORE BE IT RESOLVED as follows:

This Resolution shall be known and may be cited as the Joint Purchasing Resolution of the Borough of Avon by the Sea;

Pursuant to the provisions of *N.J.S.A. 40A:11-10* that the Board of Commissioners hereby authorize the Borough of Avon-By-The-Sea to enter into a Joint Purchasing Agreement with the Lead Agency.

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) and all other provisions of the revised statutes of the State of New Jersey.

This resolution shall take effect immediately upon passage.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini authorizing the Mayor to sign a Joint Purchasing System Agreement between the Borough of Avon-By-The-Sea and the Borough of Bradley Beach, the Borough of Neptune City, the City of Asbury Park, the Borough of Belmar, the Borough of Spring Lake, the Borough of Spring Lake Heights, the Borough of Sea Girt, the Borough of Manasquan, the Borough of Brielle, the Township of Neptune, and the Township of Wall to participate in a Joint Purchasing System.

The Vote:

Aye: All

No: None

Motion by Magrini seconded by Gorman that the bills in the amount of \$441,209.14 be approved for payment.

The Vote:

Aye: All

No: None

Department Head reports:

Lt. Pelech – thanked DPW for cooperation & communication during the last snow storm. Reminded everyone about parking on south & west sides of the street.

Scott Hauselt, DPW Supt. – reverse 911 call went out for storm. Kabota was used for sidewalks.

Mayor asks if anyone would like to be heard? (Tape recorder was not working)

Motion by Magrini seconded by Mahon that being there is no further business, the meeting is adjourned.

The Vote:

Aye: All

No: None

John B. Magrini, Mayor

Robert Mahon, Commissioner

Timothy M. Gallagher, RMC

Francis E. Gorman, Commissioner