

REGULAR MEETING – JANUARY 11, 2016 – 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 Gorman seconded by Mahon that the minutes of the meeting of December 28, 2015 be approved as written.

The Vote:

Aye: All (Magrini abstain)

No: None

RESOLUTION offered by Mahon seconded by Magrini 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 2016 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 2015 budget, exclusive of any appropriation in the 2015 capital improvements and debt service, is \$344,000.00 in the Beach Utility Budget, \$350,000.00 in the Water Utility Budget and \$1,000,000.00 in the Current Budget for a total of \$1,638,000.00.

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
The Bank of America
Kearny Bank
Dean Witter Trust Company, State of New Jersey 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 Magrini seconded by Gorman that,

WHEREAS, the Borough of Avon-By-The-Sea has budgeted funds for 2016 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 2016;

- 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 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 this 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 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,

BE IT RESOLVED by the Board of Commissioners that the official newspapers used by the Borough of Avon-By-The-Sea for the year 2016 will be the Asbury Park Press, The Coast Star, and The Coaster.

The Vote:

Aye: All

No: None

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

Michele Darling	Deputy Borough Clerk	1 year term	End 12/31/16
Jeff Bramhall	Recycling Coordinator	1 year term	End 12/31/16
Douglas Carter	Recreation Director	1 year term	End 12/31/16

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that the Board of Commissioners hereby appoint Benjamin Choi as Municipal Prosecutor for the year 2016. 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 Gorman seconded by Mahon 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 2016 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 2016 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 Magrini 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 2016 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

Motion by Gorman seconded by Magrini that the bills in the amount of \$290,301.19 be approved for payment.

The Vote:

Aye: All

No: None

Department Head reports:

Terry Mahon, Police Chief – reminded everyone that there is a vacant house form available. If going away, good idea to fill it out. Also, please leave a key with someone in case of emergency. Also, reminded people that if you are not already, sign up for reverse 911 in order to receive emergency messages. Reminded all about alternate side of the street parking after snow storm.

Jeff Bramhall, DPW Supt. – in new facility now. Everything working out well. Announced that in 2015 we had less trash & more recycling (approx. 20 tons more).

Karl Klug, Water Supt. – cold weather is here, winterize your house.

Charlie Rooney, Engineer – working on design phase for next sewer & paving projects. Paving will include Woodland Ln.-Patriot to 3rd; Lincoln Ln.-1st to 2nd; Garfield Ln.-3rd to 4th. The sewer project will include Norwood Ave.-2nd to 4th; Norwood Ln.-3rd to 4th; Woodland Ln.-3rd to 5th. Monmouth County has denied our request for a 4-way stop sign at 3rd & Sylvania. Did offer some other suggestions such as enhanced crosswalks, delineating travel lanes making them appear narrower with paint, additional signage. Also, the county is looking to pave Ocean Ave. from Spring Lake to Bradley Beach. Will keep Commissioners posted on this.

Mayor asks if anyone would like to be heard?

Some discussion on paving work to be done.

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

The Vote:

Aye: All

No: None

John B. Magrini, Mayor

Robert Mahon, Commissioner

Francis E. Gorman, Commissioner

**Timothy M. Gallagher, RMC
Borough Clerk**