

REGULAR MEETING – JANUARY 12, 2015 – 7:30 P.M.

Pledge of Allegiance.

Roll Call: Commissioner McGovern, Commissioner Gorman, Mayor Mahon

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 McGovern seconded by Mahon that the minutes of the meeting of December 8, 2014 be approved as written.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 11-2014 entitled:

**“AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 161, ENTITLED VEHICLES AND
TRAFFIC, OF THE CODE OF THE BOROUGH
OF AVON-BY-THE-SEA, MONMOUTH COUNTY.”**

161-31. Schedule II: No Parking Certain Hours.

<u>Name of Street</u>	<u>Hours/Days</u>	<u>Location</u>
Municipal Marina Parking Lot	12:01 am to 7:00 am Monday through Sunday	Entire parking lot. Exemptions, vehicles displaying valid Borough Issued parking permits.

Would anyone like to be heard on the above ordinance? No one.

Motion by McGovern seconded by Gorman that the above Ordinance No. 11-2014 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

ORDINANCE NO. 1-2015 entitled:

**“AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 128, ENTITLED PEACE AND GOOD
ORDER, BY ADDING NEW SECTION ENTITLED
“BICYCLES ON PUBLIC LANDS” OF THE CODE
OF THE BOROUGH OF AVON-BY-THE-SEA,
MONMOUTH COUNTY.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Mahon seconded by Gorman that the above Ordinance No. 1-2015 be taken up on second reading with a hearing on January 26, 2015 at 7:30 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

ORDINANCE NO. 2-2015 entitled:

**“AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 120, ENTITLED MUNICIPAL BUILDING
USE FEES, BY ADDING NEW PARAGRAPH ENTITLED
“MARINA BUILDING RENTAL” OF THE CODE
OF THE BOROUGH OF AVON-BY-THE-SEA,
MONMOUTH COUNTY.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the above Ordinance No. 2-2015 be taken up on second reading with a hearing on January 26, 2015 at 7:30 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

ORDINANCE NO. 3-2015 entitled:

**“AN ORDINANCE OF THE BOROUGH OF
AVON-BY-THE-SEA ESTABLISHING
SALARIES AND WAGES FOR 2015.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the above Ordinance No. 3-2015 be taken up on second reading with a hearing on January 26, 2015 at 7:30 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, there are unexpended balances of appropriations which are not needed, and other appropriations which will be deficient,

NOW, THEREFORE, BE IT RESOLVED that the following 2014 appropriation transfers be authorized:

FROM:	Legal O.E.	\$ 8,609.35
TO:	Police Dept. S&W	8,609.35
FROM:	Police Car Purchase	4,500.00
TO:	Street Lighting	4,500.00

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern 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 2015 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 2014 budget, exclusive of any appropriation in the 2014 capital improvements and debt service, is \$344,000.00 in the Beach Utility Budget, \$289,000.00 in the Water Utility Budget and \$973,000.00 in the Current Budget for a total of \$1,606,000.00.

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 McGovern seconded by Gorman that,

WHEREAS, there exists miscellaneous debits and credits older than six months in the Borough's bank accounts, and

WHEREAS, cancellation of these miscellaneous debits and credits would provide for a more accurate and efficient means of maintaining the Borough's records, and

WHEREAS, the Borough's Chief Financial Officer recommends that these items be canceled from the Borough records.

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Commissioners of the Borough of Avon-By-The-Sea that the Chief Financial Officer cancel any miscellaneous debits and credits older than six months from the Borough's bank accounts to Operations.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern 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

Central Jersey Bank, A Division of Kearny Federal Savings

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 McGovern seconded by Gorman that,

WHEREAS, the Borough of Avon-By-The-Sea has budgeted funds for 2015 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 2015;

- 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 McGovern 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 Mahon seconded by McGovern 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 McGovern seconded by Gorman 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 2015 will be the Asbury Park Press, The Coast Star, and The Coaster.

The Vote:

Aye: All

No: None

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

Michele Darling	Deputy Borough Clerk	1 year term	End 12/31/15
Jeff Bramhall	Recycling Coordinator	1 year term	End 12/31/15
Douglas Carter	Recreation Director	1 year term	End 12/31/15

The Vote:

Aye: All

No: None

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

Kelly Barrett	Court Administrator	1 year term	End 12/31/15
Lynn Tremarco	Deputy Court Admin.	1 year term	End 12/31/15

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the Board of Commissioners hereby appoint Benjamin Choi as Municipal Prosecutor for the year 2015. 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 McGovern 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 2015 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 Gorman seconded by Mahon 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 2015 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 McGovern 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 2015 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 McGovern that the following Class II Special Police Officers be appointed:

Jeff Algor, Christopher Ammerman, Ryan Cantlon, Matthew Deickman

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorize the refund of a 2014 fourth quarter property tax overpayment to the following:

Block 35 Lot 6.01 Mulligan 22 Lakeside Avenue \$22.84

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorize the refund of a 2014 water/sewer overpayment to the following:

Block 18 Lot 7 Faraci 311 Woodland Ave. \$150.00

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that,

WHEREAS, Sylvania Avenue is also Monmouth County Highway #17, and

WHEREAS, all other east-west streets in Avon-By-The-Sea have four (4) way stop signs at Third Avenue to slow traffic down, and

WHEREAS, the Borough would like Sylvania Avenue to also have four (4) way stop signs at Third Avenue,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby request that Monmouth County Road Department install stop signs at the intersection of Sylvania Avenue/County Highway #17 and Third Avenue.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$576,331.27 be approved for payment.

The Vote:

Aye: All

No: None

(Tape did not record)

Department Head reports:

Jeff Bramhall, DPW Supt. – recycling center has moved back to So. Station Ave.

Sheila Watson, Librarian – had successful 1st book club – will take place the 2nd Mon. of the month.

Charlie Rooney, Engineer – discussed the 2015 water lining project.

Karl Klug, Water Supt. – reminded everyone to turn off outside water taps.

Mayor asks if anyone would like to be heard?

It was announced that there will be an open house at the marina on Sun., Jan. 25th from 1pm – 4pm.

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

The Vote:

Aye: All

No: None

Robert Mahon, Mayor

Robert P. McGovern, Commissioner

Francis E. Gorman, Commissioner

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