

REGULAR MEETING – JANUARY 13, 2014 – 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.

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 2014 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 2013 budget, exclusive of any appropriation in the 2013 capital improvements and debt service, is \$351,000.00 in the Beach Utility Budget, \$293,000.00 in the Water Utility Budget and \$1,086,000.00 in the Current Budget for a total of \$1,615,000.00.

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 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 Gorman seconded by McGovern that,

WHEREAS, the Borough of Avon-By-The-Sea has budgeted funds for 2014 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 2014;

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 McGovern seconded by Mahon 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 Mahon that the following appointments be made:

Michele Darling	Deputy Borough Clerk	1 year term	End 12/31/14
Jeff Bramhall	Recycling Coordinator	1 year term	End 12/31/14
Douglas Carter	Recreation Director	1 year term	End 12/31/14

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 12/31/14
Lynn Tremarco	Deputy Court Admin.	1 year term	End 12/31/14

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the following re-appointments be made to the Avon Planning Board:

Michael Davey	Class IV Member	4 year term	End 12/31/17
Richard Maloney	Class IV Member	4 year term	End 12/31/17
Sandra McLaughlin	Alternate #3	2 year term	End 12/31/15

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that Timothy M. Gallagher is hereby appointed as the Community Development Representative for 2014. Barbara Suchecki is appointed as the Alternate.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the following appointment be made:

Michael Caringi	Environmental Comm.	2 year term	End 12/31/15
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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 2014. 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 2014 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 McGovern 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 2014 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 McGovern seconded by Mahon 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 2014 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 Mahon seconded by McGovern that a license for a Gift Auction to be held on February 22, 2014 from 7:00-11:00 p.m. at 301 Main St., Avon be approved for the Avon Education Foundation.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the Avon Education Foundation be approved to conduct a Casino Night to be held on February 22, 2014 at 7:00-11:00 p.m. at 301 Main St., Avon.

The Vote:

Aye: All

No: None

Motion by Mahon seconded by McGovern that the Avon Education Foundation be approved to conduct a 50/50 Raffle to be held on February 22, 2014 at 7:00-11:00 p.m. at 301 Main St., Avon.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$597,771.70 be approved for payment.

The Vote:

Aye: All

No: None

Department Head reports:

Sheila Watson, Librarian – everything fine at library. She is in 18th year as librarian.

Charlie Rooney, Engineer – everything quiet.

Barry Cooke, Attorney – nothing to report.

Karl Klug, Water Supt. – several houses had frozen pipes last week. Discussion on water condition (unable to hear most of it on tape).

Jeff Bramhall, DPW Supt. – (unable to hear most of what he said).

Lt. Mike Haar, Police Dept. – (unable to hear).

Mayor asks if anyone would like to be heard?

Marie Kenny asked if marina bldg. was still on schedule? Mr. Gallagher said the plan is still to finish in April. Have missed a couple of days due to the weather.

Discussion on water problem.

Motion by Gorman seconded by McGovern 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**