

REGULAR MEETING – JANUARY 14, 2013 – 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 directions 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 10, 2012 be approved as written.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by McGovern that the minutes of the special meeting of December 17, 2012 be approved as written.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the contract for the boardwalk reconstruction be awarded to Epic Management, Inc., Piscataway, NJ, for the lowest bid amount of \$1,645,925.00.

The Vote:

Aye: All

No: None

Questions and discussion took place on the construction of the boardwalk.

RESOLUTION offered by McGovern seconded by Gorman 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 2012 appropriation transfers be authorized:

FROM: Hospitalization	2,800.00
Fire Bureau O.E.	500.00
Municipal Dues O.E.	300.00
Insurance O.E.	500.00
TO: Gasoline	2,300.00
Diesel Fuel	1,800.00
FROM: Beach O.E.	367.00
Beach Legal O.E.	1,000.00
Beach Hospitalization	1,100.00

TO: Diesel Fuel 2,467.00

FROM: Neptune Sewer Authority 6,500.00

TO: Manasquan Water Purchase 6,500.00

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern 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 2013 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 2012 budget, exclusive of any appropriation in the 2012 capital improvements and debt service, is \$240,000.00 in the Beach Utility Budget, \$300,000.00 in the Water Utility Budget and \$1,075,000.00 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 Gorman 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 Gorman seconded by McGovern that the Board of Commissioners hereby authorize the refund of a 2012 duplicate tax payment to the following:

Block 50 Lot 13 Moore 222 Roosevelt Ave. \$4,855.44

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

BE IT RESOLVED by the Board of Commissioners that the Official Depositories for the Borough of Avon-By-The-Sea bank accounts for 2013 will be Chase Bank, PNC Bank, Central Jersey Bank - a Division of Kearny Federal Savings, Investor's Savings Bank, Ocean First Bank and Bank of America as well as any other bank that offers a higher percentage rate on investments that the Chief Financial Officer may obtain.

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 2013 will be the Asbury Park Press, The Coast Star, and The Coaster.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon 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: ____

No: ____

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

Michele Darling	Deputy Borough Clerk	1 year term	End 12/31/13
Jeff Bramhall	Recycling Coordinator	1 year term	End 12/31/13
Douglas Carter	Recreation Director	1 year term	End 12/31/13

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the following appointments to the Environmental Commission be made:

John Moore	3 year term	End 12/31/15
Megan Page	3 year term	End 12/31/15
Vade Hanlon	Move to Alt. 1 2 year term	End 12/31/14

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the following be appointed as Class II Police Officers:

Frank Ciufu	Jared Flynn
Michael Ferguson	Joe Mason

The Vote:

Aye: All

No: None

RESOLUTION offered by _____ seconded by _____ that the Board of Commissioners hereby appoint Benjamin Choi as Municipal Prosecutor for the year 2013. 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: ____

No: ____

RESOLUTION offered by McGovern 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 2013 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 2013 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 2012 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 Mahon seconded by McGovern that,

WHEREAS, the governing body of the Borough of Avon-By-The-Sea, County of Monmouth will be receiving donations for Hurricane Sandy Relief from various sources, and

WHEREAS, it is the desire and intent of the governing body to dedicate these funds for restoration to the beach front in the Borough, and account for such funds in a Trust Fund of the municipal records, and

WHEREAS, it is necessary to petition the approval of the Director of the Division of Local Government Services to include these funds as a “Dedication of Rider” in accordance with N.J.S.A. 40A:5-29.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By- The Sea, County of Monmouth, that the Director of the Division of Local Government Services approve the inclusion of the aforementioned funds as a “Dedication by Rider” in accordance with N.J.S.A. 40A:5-29, and that these funds be placed in a Trust Fund and be expended for such purpose as heretofore stated.

BE IT FURTHER RESOLVED that two certified copies of this Resolution be filed with the Director of the Division of Local Government Services for his consideration and approval.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the bills in the amount of \$1,500,261.70 be approved for payment.

The Vote:

Aye: All

No: None

Dept. heads report:

Terry Mahon, Police Chief – sending for special officers to Class II school. Hiring new Class I’s for the summer along with several returning Class I’s. Lack of street lights on Ocean Ave. & will contact Jersey Central to see what the status is. Someone asked about school security – have worked with the school for 10 yrs. now. Officers in there twice a day. Have tested doors, sent people in to test security. School is very secure.

Sheila Watson, Librarian – story hour will resume Feb. 6th. Looking in to getting a generator for the library. Saw need for one during hurricane Sandy. Looking for alternate site for bookfair this summer as pavilion will not be done.

Charlie Rooney, Engineer – commented on beach dunes. His recommendation to the Borough is to follow the Army Corps of Engineers’ design that beach was built upon (certain ht., width, volume of sand). His

experience is that, although dunes help, the lion's share of protection is from the beach itself. Icing on the cake type of analysis – need cake for icing to be effective. Dunes by themselves do not work. A downside is once they are erected, they are regulated and protected by the state.

Further discussion on the design of boardwalk & beach.

Karl Klug, Water Supt. – in process of replacing and repairing anything that was damaged in the storm at sewer plant. Still working on problem at south end of town. Improvements are being seen. Making progress.

Mayor asks if anyone would like to be heard?

Lengthy discussion on water situation.

Discussion on type of wood being used for boardwalk replacement.

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**