

REGULAR MEETING – APRIL 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 Magrini that the minutes of the meeting of March 28, 2016 be approved as written.

The Vote:

Aye: All (Comm. Mahon absent)

No: None

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 3-2016 entitled:

“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Commissioners of the Borough of Avon-By-The-Sea in the County of Monmouth finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Commissioners hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 118,283.66 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Avon-By-The-Sea shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$118,283.66, and that the CY 2016 municipal budget for the Borough of Avon-By-The-Sea be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Motion by Mahon seconded by Gorman that the above Ordinance No. 3-2016 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 Mahon seconded by Magrini that,

ORDINANCE NO. 4-2016 entitled:

**“AN ORDINANCE AMENDING AND
SUPPLEMENTING THE CODE OF THE
BOROUGH OF AVON-BY-THE-SEA,
CHAPTER 161-6 “PARKING PROHIBITED
AT ALL TIMES.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Mahon seconded by Gorman that the above Ordinance No. 4-2016 be taken up on second reading with a hearing on April 25, 2016 at 7:30 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon that,

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protections promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2015 will memorialize commitment of this municipality to recycling and indicate assent of the Board of Commissioners to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Jeff Bramhall, CRP, to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that,

WHEREAS, the Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that the Borough of Avon-By-The-Sea hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2015 in the amount of \$4,373.91. Documentation supporting this submission is available at 301 Main Street and shall be maintained for no less than five years from this date.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that,

BE IT RESOLVED that the Board of Commissioners do hereby approve the renewal of the Seasonal Retail Consumption License No. 1305-34-004-003 for the Avon Hotel Corp., T/A the Columns at the fee of \$1,500.00 effective May 1, 2016 with the following conditions:

- 1. No amplifiers inside or outside that disturb neighbors.**
- 2. No interior or exterior lighting be directed at neighbors.**
- 3. No loud music.**
- 4. No additional bars shall be constructed on premises.**
- 5. The following dress code shall be enforced: No bathing suits after 7:00 p.m.**
- 6. Any recommendations of the Fire Inspector and/or Hotel/Rooming House Inspector are complied with.**
- 7. The Board of Commissioners have the right to restrict the operation of the porch.**
- 8. Alcoholic beverages served with food service only on the porch. No new porch seating after 10:00 p.m. All porch service ceased by 11:00 p.m.**
- 9. Raw bar/grille room will provide food & bar service as per submitted plans to the Borough.**
- 10. Licensee must establish and maintain a smoking area outside their establishment on their own property. A map of said area must be submitted to the Borough office for approval.**

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that the Mayor is authorized to sign a General Release to NT&P Construction, Nick Penque, Thomas Galante and First Indemnity of Americans Insurance Company.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by Magrini that the bills in the amount of \$238,400.93 be approved for payment.

The Vote:

Aye: All

No: None

Department head reports:

Barry Cooke, Attorney – nothing to report.

Karl Klug, Supt. – nothing to report.

Sheila Watson, Librarian – having a genealogy program on Sat., Apr. 30th at noon at the Marina. Call library to sign up.

Charlie Rooney, Engineer – East End Ave.-milling today and paving tomorrow. Monmouth County paving Ocean Ave. on the 18th. Stavola hired to do the work. Lane paving project-precon. mtg. this Fri. Hope to be done by Memorial Day. Sewer lining project due to start on Apr. 18th. Home owners will be notified if it affects them.

Terry Mahon, Police Chief – talked about an accident with a car going in the lake. ANSWER team responded. No injuries.

Jeff Bramhall, DPW Supt. – getting reading for summer. Benches being painted. Looking for summer employees – application on line or in the office.

Comm. Gorman reminded everyone to get dog & cat licenses.

Mayor mentioned that Purr N Pooch boarded Relic while Officer Barry was on vacation and did not charge us. About \$700.00.

Mayor mentioned that Steve Kegelman, Emerg. Mgt. Coord. a seminar in Delaware about Sandy recovery.

After short discussion, the Commissioners unanimously approved the Friends of the Bradly Beach Public Library to walk on Avon's boardwalk during their dog-friendly walk-a-thon to be held on July 23, 2016.

Mayor asks if anyone would like to be heard? No one.

Motion by Magrini 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**