

**REGULAR MEETING – APRIL 25, 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 Magrini seconded by Gorman that the minutes of the meeting of April 11, 2016 be approved as written.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by Mahon seconded by Magrini that the Public Hearing on the 2016 budget be opened.**

**The Vote:**

**Aye: All**

**No: None**

**Statements from Commissioner Mahon, CFO John Antonides and Auditor Robert Hulsart.**

**Comm. Mahon, Dir. of Finance – this evening’s public hearing on the 2016 proposed budget is intended to provide background information on the budget development process and it’s implication for the taxpayers. Present tonight is our C.F.O. John Antonides and our auditor, Robert Hulsart. They worked closely with us in preparing this budget. They will provide an overview of the proposed budget and answer any questions you may have.**

**Comm. Mahon – total general appropriations for the 2016 budget is \$5,302,180.55. Revenue includes \$494,000 from surplus, \$776,705.17 from misc. sources including state aid grants and local fees and \$149,000 from receipt of delinquent taxes with remaining \$3,882,475.38 to be raised in property taxes. The total increase of amount to be raised by taxes is \$27,022.00 more than the amount raised in 2015, which will result in a .015 cent per \$100 tax increase in the proposed municipal budget for 2016. For the average assessment of \$844,000, the tax increase would be \$15.00 for municipal purposes. The average assessment of \$844,000 is lower than the average from last year of \$871,000. It is important to note that the total assessment for Avon has decreased by a total of \$60 million, which has an effect on each taxpayer’s share of the cost.**

**Comm. Mahon – In the presenting this budget, we believe it represents a concerted effort of the Borough to continue to provide the services our community deserves while at the same time reflecting a reasonable cost for those services.**

**John Antonides, CFO – The Borough of Avon’s budget consists of 3 budget items: Current Operating Budget, the Water/Sewer Utility Budget & the Beach Utility Budget. The water/sewer & beach utilities have no effect on the Municipal tax rate. Water/Sewer is offset by user fees, which are not changing, and the beach utility is offset by beach badge sales. As Comm. Mahon explained, the average increase on your home from 2015-2016 is a little less than \$15.00 based on the average assessment. We went down \$60**

million in residential ratables this year. Challenges related to this 2016 budget was the lost ratables & aid from Hurricane Sandy-down to about \$400,000 on an emergency note from Sandy which started out at \$6,000,000. All services have been kept and, as mentioned earlier, there will be new special police officers for the summer. We did pay off part our debt this year. Our debt right now, has decreased to about 7.9 million and after this budget it will be down to 7.1 million.

Bob Hulsart, Auditor – the only thing I would add is that our financial situation is good. This is a good budget. The 2 utilities are in very good shape.

Comm. Mahon asked John Antonides to comment on loss of \$60 million. John said he spoke with the tax assessor, Tim Anfuso. He said across the board there was a decrease of about 1% of assessed values on residential properties. With new tax assessment program, to eliminate as many tax appeals as possible. This year had 32 appeals, prior years over 100.

Mayor asks if anyone has any questions or comments on the 2016 budget?

Someone asked about surplus? Bob Hulsart explained that it is roughly \$583,000 of which \$89,000 is non-cash surplus which cannot be used in the budget. So useable amount is \$494,077.13. So we're using everything we can.

Someone asked about blank pages found budget? Mr. Hulsart said that they are for something that is not in our budget.

Someone asked about school & county taxes? Don't know yet.

Motion by Mahon seconded by Magrini that the public hearing on the 2016 budget be closed.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that,

WHEREAS, the local Municipal budget for the year 2016 was approved on the 28<sup>th</sup> day of March, 2016, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea, County of Monmouth, that the following amendments to the approved budget of 2016 be made:

<u>Water/Sewer Utility</u>	<u>From</u>	<u>To</u>
Anticipated Revenues Rents Water	<u>\$ 638,830.00</u>	<u>\$ 644,626.00</u>
Total Revenues	<u>1,346,870.00</u>	<u>1,352,666.00</u>
General Appropriations:		
Debt Service Interest on Bonds	<u>\$ 69,550.00</u>	<u>\$ 75,346.00</u>
Total Water/Sewer Appropriations	<u>1,346,870.00</u>	<u>1,352,666.00</u>
<u>Beach Utility</u>		
Beach Fees by Ordinance	<u>\$1,732,866.00</u>	<u>\$1,734,376.00</u>
Total Revenues	<u>1,732,866.00</u>	<u>1,734,376.00</u>

<b>General Appropriations:</b>		
Debt Service Interest on Bonds	\$ 18,475.00	\$ 19,985.00
<b>Statutory Expenditures:</b>		
<b>Contribution to:</b>		
Public Employees Retirement System	\$ 20,000.00	\$ 25,000.00
Police & Fireman's Retirement System of NJ	<u>55,000.00</u>	<u>50,000.00</u>
Total Beach Utility Appropriations	\$1,732,866.00	\$1,734,376.00

**BE IT FURTHER RESOLVED** that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.

**The Vote:**  
**Aye: All**  
**No: None**

**RESOLUTION** offered by Mahon seconded by Magrini that,

**WHEREAS**, the 2016 budget requires \$3,882,475.38 to be raised in property taxes, and

**WHEREAS**, a summary of said budget was published in the April 7, 2016 edition of The Coast Star, and

**WHEREAS**, full copies of said budget are available in the office of the Borough Clerk, and

**WHEREAS**, a public hearing of said budget has been conducted,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Avon-By-The-Sea that it hereby adopts the 2016 Municipal Budget in the amount of \$5,302,180.55.

**The Vote:**  
**Aye: All**  
**No: None**

**Mayor announces that this is the time advertised for second reading and hearing on 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.”**

**161-6.7 PARKING PROHIBITED – INTERSECTIONS**

**a. Parking shall be prohibited within 20 feet of the intersecting curb line at all intersections except as follows:**

**i. The intersections of the Through Streets and First Avenue**

Northwest side of Avenue	30'
Northeast side of Avenue	34'
Northeast side of Through Street	43'
Southeast side of Through Street	30'
Southeast side of Avenue	34'
Southwest side of Avenue	30'

**Southwest side of Through Street 30'**

**Northwest side of Through Street 34'**

**ii. The intersections of the Through Streets and Second Avenue**

**Northwest side of Avenue 25'**

**Northeast side of Avenue 34'**

**Northeast side of Through Street 43'**

**Southeast side of Through Street 30'**

**Southeast side of Avenue 34'**

**Southwest side of Avenue 25'**

**Southwest side of Through Street 25'**

**Northwest side of Through Street 25'**

**iii. The intersection of Lincoln Avenue and Fourth Avenue**

**Northwest side of Fourth 25'**

**Northeast side of Fourth 20'**

**Northeast side of Lincoln 20'**

**Southeast side of Lincoln 20'**

**Southeast side of Fourth 20'**

**Southwest side of Fourth 20'**

**Southwest side of Lincoln 20'**

**Northwest side of Lincoln 34'**

**iv. The intersection of Lincoln Avenue and Fifth Avenue**

**Northwest side of Fifth 20'**

**Northeast side of Fifth 34'**

**Northeast side of Lincoln 43'**

**Southeast side of Lincoln 20'**

**Southeast side of Fifth 20'**

**Southwest side of Fifth 20' (school zone prohibition)**

**Southwest side of Lincoln 20' (school zone prohibition)**

**Northwest side of Lincoln 20'**

**v. The intersection of Garfield Avenue and Fifth Avenue**

**Northwest side of Fifth 20'**

**Northeast side of Fifth 34'**

**Northeast side of Garfield 25'**

**Southeast side of Garfield 25'**

**Southeast side of Fifth 34'**

**Southwest side of Fifth 20'**

Southwest side of Garfield 20'

Northwest side of Garfield 20'

vi. The intersection of Sylvania Avenue and Fifth Avenue

Northwest side of Fifth 20'

Northeast side of Fifth 20'

Southeast side of Fifth 34'

Southwest side of Fifth 20'

b. Parking shall be prohibited on the Avenue within five feet of the curb line of the lanes.

**Would anyone like to be heard on the above ordinance?**

**Someone said they didn't see Sylvania & 3<sup>rd</sup> in ordinance? Comm. Gorman said that it is being addressed by the work the county is going to do.**

**How many spots lost? Don't have an exact number. Intent right now is safety & increasing visibility at the intersections.**

**How does it pertain to lanes? 5 ft. on each side.**

**A couple of people said that they would like know how many parking spaces will be impacted before the ordinance is finalized.**

**This is being done for safety, what statistics do you have? Mayor said he doesn't have statistics at this time, using common sense increasing visibility at the intersections to have safer intersections.**

**Comm. Gorman said that as the streets have been paved over the last 20 years, there was a uniformity that was lost. We're moving to make it uniform again. We were advised by the Borough Attorney that without the uniformity, if someone was to fight a parking ticket in court, they would win, because none of these arbitrary distances around town are codified in the Borough Ordinance.**

**Barry Cooke said that the ordinance is a result of a legal requirement in the state statutes that if you are going to have safety zones, they have to be codified in your ordinance and if you don't you can't enforce it.**

**Motion by Mahon seconded by Magrini that the above Ordinance No. 4-2016 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,  
BOND ORDINANCE NO. 5-2016 entitled:**

**“ BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS OF THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$490,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$465,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”**

**be introduced on first reading.**

**The Vote:**

**Aye: All No: None**

**Motion by Mahon seconded by Magrini that the above Bond Ordinance No. 5-2016 be taken up on second reading with a hearing on May 9, 2016 at 7:30 p.m.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Magrini seconded by Mahon that,**

**BOND ORDINANCE NO. 6-2016 entitled:**

**“ BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL WATER IMPROVEMENTS OF THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH COUNTY, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$267,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$253,650 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”**

**be introduced on first reading.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by Magrini seconded by Mahon that the above Bond Ordinance No. 6-2016 be taken up on second reading with a hearing on May 9, 2016 at 7:30 p.m.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by Magrini that,**

**BOND ORDINANCE NO. 7-2016 entitled:**

**“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL BEACH IMPROVEMENTS OF THE BOROUGH OF AVON-BY-THE-SEA, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$67,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$63,650 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”**

**be introduced on first reading.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by Mahon seconded by Magrini that the above Bond Ordinance No. 7-2016 be taken up on second reading with a hearing on May 9, 2016 at 7:30 p.m.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by Magrini that,**

**BE IT RESOLVED** that the Board of Commissioners do hereby approve the renewal of the Seasonal Retail Consumption License No. 1305-34-001-004 for the Norwood Inn, LLC 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. Patio bar hours restricted to 11:00 a.m. to 9:00 p.m.**
- 6. The Norwood Avenue door to be used as an Emergency Exit only.**
- 7. The following dress code shall be enforced: No bathing suits after 7:00 p.m.**
- 8. Any recommendations of the Fire Inspector and/or Hotel/Rooming House Inspector are complied with.**
- 9. 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 Magrini seconded by Mahon that,**

**WHEREAS, N.J.S.A. 54:4-91.1, and as amended by P.L. 1991 C. 75, requires the collector to submit to the governing body on or before May 1<sup>st</sup> annually, a list of uncollectible taxes for the year 2015 for cancellation.**

**NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Avon-by-the-Sea, County of Monmouth, State of New Jersey, hereby authorizes and directs the cancellation of the following taxes for 2015: None**

**BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and Tax Assessor.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Magrini seconded by Mahon authorizing a refund of overpaid taxes caused by Tax Court Judgement Docket No. 003271-2014 for the year 2014,**

**WHEREAS, the owners of Block 5 Lot 3, 310 Norwood Avenue, Avon-by-the-Sea, N.J. has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:**

<b><u>2014 Assessment from Tax Duplicate</u></b>	<b><u>Tax Court Judgment</u></b>
<b>970,000.00 Land</b>	<b>970,000.00 Land</b>
<b>195,700.00 Improvements</b>	<b>95,700.00 Improvements</b>
<b><u>1,165,700.00 Total Assessment</u></b>	<b><u>1,065,700.00 Total Assessment</u></b>
<b>\$12,461.33 taxes paid 2014</b>	<b>\$11,392.33 taxes due 2014</b>

**WHEREAS, this has resulted in their overpaying the property tax for the year 2014 in the amount of \$1,069.00 and;**

**WHEREAS, they have been awarded this judgment and therefore are entitled to a refund,**

**NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Avon-by-the-Sea, that the CFO be authorized to refund the overpayment of \$1,069.00 for the year 2014 to: Sitar Law Offices, LLC, Atty Trust AC & Casner, Mark & Jeffrey & Kathleen;**

**MAIL VOUCHER AND CHECK TO: Sitar Law Offices, LLC, 1481 Oak Tree Road, Iselin, NJ 08830**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by Magrini that,**

**WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and**

**WHEREAS, the Borough of Avon-by-the-Sea entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on April 25, 2013 that provided \$100,000 for the Volunteer Park Development project under Application No. 12-08 that required certain conditions be met by the Borough of Avon-by-the-Sea prior to receipt of the aforesaid funds; and**

**WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the governing body.**

**NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Avon-by-the-Sea that all conditions of the on April 25, 2013 Grant Agreement have been satisfied by the Borough of Avon-by-the-Sea and that the project has been completed; and**

**BE IT FURTHER RESOLVED that the Borough of Avon-by-the-Sea made final payment for the development of Volunteer Park and that payment was made per voucher 15-01765 on November 5, 2015 under check no. 317, which is hereby attached and also on file in the Municipal Clerk's Office.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Gorman seconded by Mahon that the Board of Commissioners approve the following people as Class I Special Police Officers for the 2016 summer season:**

**Returning: Connor Bokop, Kevin Gutierrez, Larry Hill, Austin Tedder, Dylan Tedder. New: Kendal Bohannon, Jeff Chandler, Alex Delutio, Jenafer Lacondra, John Lynch, Dylan Moran, Jon Nastashkin, Tyler Ott, Tiana Ramos, Francis Smith, Brittany Stazzone, Desmire Walton, Alvin Wenner.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Magrini seconded by Mahon that Gary Kehoe, Sylvania Lane, Avon, is hereby approved as a probationary member of the Avon Fire Department.**

**The Vote:**  
**Aye: All**  
**No: None**

**Motion by Magrini seconded by Mahon that the bills in the amount of \$249,541.74 be approved for payment.**

**The Vote:**  
**Aye: All**  
**No: None**

**Mayor asks if anyone would like to be heard?**

**Mayor said that the first boat is at the marina now. Slips still available.**

**Discussion on whether the pavilion is using more space than allowed. Barry will check contract.**

**Where does drain go by pavilion where they wash off the mats with the grease and everything? Charlie Rooney, Boro Engineer, said it is the sanitary sewer.**

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

**The Vote:**  
**Aye: All**  
**No: None**

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**John B. Magrini, Mayor**

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**Robert Mahon, Commissioner**

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**Francis E. Gorman, Commissioner**

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