

REGULAR MEETING – APRIL 27, 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 April 13, 2015 be approved as written.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for public hearing on the amendment to the 2015 Municipal Budget.

Would anyone like to be heard?

Mayor Mahon – we had our budget hearing, but there were some concerns expressed by the state in terms of how we projected the budget, in terms of what we were showing as revenue & expenditures. We had to conform to the layout they required us to do. That's why we couldn't approve the budget after the public hearing. Nothing has changed in the amount to be raised by taxation. The total amount, the numbers in the budget have changed because some of the money we were projecting in the budget – on both sides – revenue & expenditures had to be removed and handled in a different way. That's why we are approving amendment tonight which allows us to finalize the budget.

Comm. Gorman – saw an article about the county taxes increasing. Will it affect us this year or next? This year.

Mayor – our tax rate is increasing less than ½ percent. The tax bill is composed of municipal, school & county taxes. We don't have any control over the latter two.

Motion by Mahon seconded by Gorman that the amendment to the 2015 Municipal Budget be approved.

The Vote:

Aye: All

No: None

Please see attachment at the end of these minutes for the amendment.

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, the 2015 budget requires \$3,855,453.38 to be raised in property taxes, and

WHEREAS, a summary of said budget was published in the March 19, 2015 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 2015 Municipal Budget in the amount of \$5,283,279.72.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that the Mayor is hereby authorized to sign a Real Estate Purchase Agreement between the Taylor Memorial Baptist Church and the Borough of Avon-By-The-Sea for the real property commonly known as Block 26, Lot 1 in the Borough of Avon-By-The-Sea for a purchase price of \$1,200,000.00.

The Vote:

Aye: All

No: None

Mayor – Baptist Church has been for sale for a little over a year. Haven't been successful. They approached the town with the idea that it could be used for public or private purposes. We took a look at it. Located on 5th and Sylvania Aves., it encompasses the church & rectory -2 full lots 100' X 140'. Took a hard look, did lot of research. Feel it is a prime location in the community. At \$1.2 million, we are confident that, it nothing else came of it, we could turn it around & sell it & recoup that amount. In addition, we would end up with 2 taxable properties. We would bond for it – short term.

Some further discussion took place.

RESOLUTION offered by McGovern seconded by Mahon that the Mayor is authorized to sign an amendment to the Water Resale and Treatment Agreement between the Borough of Avon-By-The-Sea and New Jersey American Water Company, Inc. dated November 1, 1991, which agreement will expire by its terms on June 30, 2015.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern 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 1st annually, a list of uncollectible taxes for the year 2014 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 2014: 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 Gorman seconded by McGovern that the Board of Commissioners hereby authorizes the cancellation of 2014/2015 water/sewer charges for the following accounts:

Block 43.02, Lot 10	34 Poole Ave.	Overestimate	\$179.95
Block 10, Lot 3.01	617 Main Street, F	Overestimate	\$ 53.10

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the following persons be appointed as Special Police Officers for 2015:

Samuel Seldor, Class I	Connor Bokup, Class I
Nick Mirabetti, Class I	Brian Powell, Class I
Jordan Lioduce, Class I	Larry Hill, Class I
Chris Ammerman, Class I	Kevin Gutierrez, Class I
Austin Tedder, Class I	Jake O'Brien, Class I
Dylan Tedder, Class I	Brian Mason, Class I
Charles Sebban, Class II	Frank Ciufu, Class II

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS the Borough of Avon-By-The Sea, the County of Monmouth, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property and;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk and;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the Monmouth County Multi-Jurisdictional All Natural Hazards Mitigation Plan and;

WHEREAS a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee and;

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and;

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea that

- 1. The Monmouth County Multi-Jurisdictional *Hazard Mitigation Plan*, as approved by the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on April 14, 2015 is hereby adopted as an official plan of the Borough of Avon-By-The-Sea in the County of Monmouth.**

2. The Municipal departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Board of Commissioners, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted by September 15th of each year.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that,

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Board of Commissioners of the Borough of Avon-By-The-Sea deem it to be in the best interests of the Borough of Avon-By-The-Sea to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical Reserve Corps (“MRC”) members or other volunteers and other jurisdictions defined “local governments” in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A: 14-26 AND 156.1 et seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Board of Commissioners of the Borough of Avon-By-The-Sea and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Intra-County Mutual Aid and Assistance Agreements between the Borough of Avon-By-The-Sea and Participating Units be and are hereby accepted.

BE IT FURTHER RESOLVED that the Borough Administrator and the Mayor are authorized to execute the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit.

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified true copy of this resolution to the Monmouth County Sheriff; Office of Emergency Management Coordinator; and appropriate departments.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby approve a 50/50 Raffles License for Avon Home and School Association to be held on September 18, 2015 at the Avon School, 505 Lincoln Ave., Avon.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Avon has received a grant of \$83,929.05 from the New Jersey Economic Development Authority and wishes to amend its 2015 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Avon-by-the-Sea hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$83,929.05 which is now available as a revenue from:

MISCELLANEOUS REVENUES:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:

New Jersey Economic Development Authority Grant pursuant to provisions of Statute, and

BE IT FURTHER RESOLVED, that a like sum of\$83,929.05 be and the same is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS

(a) Operations Excluded from 5% CAPS

State and Federal Programs Off-Set by Revenues:

New Jersey Economic Development Authority Grant –

Other Expenses

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this Resolution to the Director of Local Government Services.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$674,524.43 be approved for payment.

The Vote:

Aye: All

No: ____

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

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

The Vote:

Aye: All

No: None

Robert Mahon, Mayor

Robert P. McGovern, Commissioner

Francis E. Gorman, Commissioner

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

