

REGULAR MEETING – APRIL 28, 2014 – 7:30 P.M.

Pledge of Allegiance.

**Roll Call: Commissioner McGovern, Mayor Mahon
Absent: Commissioner Gorman**

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.

Presentations made by Historical Society. Plaques to property owners who can prove that their homes were built in the 1800's:

**601 Ocean Ave., Columns Hotel, built 1883
110 Woodland Ave., St. John's Episcopal Church, built 1883
42 Sylvania Ave., Craig & Barbara Suchecki, built 1896
418 Woodland Ave., Ron & Rosemary Climes, built 1891**

Motion by McGovern seconded by Mahon that the minutes of the meeting of March 10, 2014 be approved as written.

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

Motion by McGovern seconded by Mahon that the minutes of the meeting of March 24, 2014 be approved as written.

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

Motion by McGovern seconded by Mahon that the Public Hearing on the 2014 budget be opened.

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

Mayor Mahon – this evening's public hearing on the 2014 proposed budget is intended to provide background information on the budget development process and its 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 and answer any questions.

Mayor – total appropriations for the 2014 budget is \$6,225,229.62. This is \$913,950 less than last year’s budget. Revenue includes \$571,000 from surplus, \$1,706,229.62 from misc. sources including state aid grants and local fees – this is outlined on Sheet 11 of the budget if anyone would like to look at it – and \$150,000 from receipt of delinquent taxes with remaining \$3,798,000 to be raised in property taxes. The total amount to be raised by taxes is \$165,961 more than the amount raised in 2013, which will result in a 1.5 cent per \$100 tax increase in the proposed municipal budget for 2014.

Mayor – the major factor that has contributed to the increase in the budget is the \$1,017,478 community disaster loan that was included in the 2013 budget, but is not included in the 2014 budget. (This is on Sheet 10 of the budget). It’s significant to note the 2014 expenditures are \$913,950 less than 2013. 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 – the 2014 budget is based on a zero budgeting format where we use no increases in the departments except where needed for contracts, negotiations, etc. The 3 budget items: General Operating Budget which is covered by taxes, the Water/Sewer Operating Budget is generated by water user fees, & Beach Operating Budget which is offset by beach badge sales. Challenges in preparing the budget was the lost of several lost ratables continuing from Hurricane Sandy and related expenses continuing from the hurricane.

Bob Hulsart – the budget is a process that a lot of work goes into. Governing body and administrator have put together a very good budget.

John Antonides – Monmouth County did a pilot program this year where tax appeals were moved to the beginning of the year. So we don’t have a certification on the value of the town as yet. Reason they did that, because in the past whenever we had to do refunds, as the municipality, we would have to eat the entire cost of that refund even though taxes were raised for school & county, so what has happened in the past, the school board would receive their money, however, the town would have to refund, this money out. By doing this, the objective is allocated proportionately between school, county and borough.

Discussion of the budget took place.

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, the 2014 budget requires \$3,798,000.00 to be raised in property taxes, and

WHEREAS, a summary of said budget was published in the April 3, 2014 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 2014 Municipal Budget in the amount of \$6,225,229.62.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern,

WHEREAS, the local municipal budget for the year 2014 was approved on the 28th day of April, 2014, 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 2014 be made.

	<u>From</u>	<u>To</u>
FEMA Receivable	\$1,111,920.11	\$432,414.94
Insurance Receivable		\$679,505.17

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 McGovern seconded by Mahon that the Board of Commissioners hereby authorizes the cancellation of 2014 water/sewer charges for the following accounts:

Block 36 Lot 13.03	100 Lincoln Avenue	Overestimate	\$135.70
Block 51 Lot 2.03	111 Lincoln Avenue	Overestimate	50.15
Block 15 Lot 15	422 Sylvania Avenue R	Overestimate	265.45

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorize the refund of a 2014 second quarter property tax overpayment to the following:

Block 23 Lot 14.16 BAC Tax Services 521 Ocean Ave. Unit 16 \$46.23

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorizes the cancellation of 2014 water/sewer charges for the following accounts:

Block 16 Lot 10.02	340 Woodland Avenue	Delete Unit	\$150.00
Block 22 Lot 7	103 Woodland Avenue	Delete Unit	\$150.00

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorize the cancellation of three water/sewer units (Going from four units to one unit) from 315 Main Street, Block 27 Lot 2.01, effective April 1, 2014 and water/sewer charges in the amount of \$450.00. The building now consists of one commercial unit.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorize, upon the recommendation of the Tax Collector, that the Borough participate in the electronic file sharing with search companies. Based upon one file transfer per week, a single up front payment of \$200.00 will be accepted for one year's worth of electronic data, beginning April 1, 2014 through March 31, 2015. This fee will be increased if additional weekly files are requested.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorizes the cancellation of 2014 water/sewer charges for the following accounts:

Block 43.02 Lot 3	22 Poole Avenue	Demo	\$150.00
Block 31 Lot 7	415 Second Avenue	Demo	\$150.00

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern 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 2013 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 2013: 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 McGovern seconded by Mahon that the contract for the 2014 Water Main Cleaning and Lining be awarded to J. Fletcher Creamer & Son, Inc., Hackensack, NJ for the lowest bid in the amount of \$534,740.00. Said award is subject to certification of funds by the C.F.O.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners approve the award of a contract to Field Turf in conjunction with Halecon for preparation and installation of a new surface and net poles at the tennis courts for a price of \$67,750.00. Contract is awarded through Keystone Purchasing Network, a buying co-op that the Borough of Avon-By-The-Sea is a member as a political subdivision.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners approve the award of a contract to Foley Caterpillar for a Caterpillar 924K Wheel Loader for the price of \$162,003.18. Contract is awarded through National IPA, a buying co-op that the Borough of Avon-By-The-Sea is a member.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the following be appointed as Class I Special Police Officers:

Nicholas D. Marabeti, Jordan Loiodice

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern 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 2013 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 McGovern seconded by Mahon 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 2013 in the amount of \$8,018.81. 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

Mayor announces that an application has been received for the renewal of the Seasonal Retail Consumption License for the Avon Hotel Corp., 601 Ocean Avenue.

Are there any objections to this license renewal? None.

RESOLUTION offered by McGovern seconded by Mahon 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, 2014 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

Mayor announces that an application has been received for the renewal of the Seasonal Retail Consumption License for the Norwood Inn, 618 Second Avenue.

Are there any objections to this license renewal? None

RESOLUTION offered by McGovern seconded by Mahon 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 Key East, Inc., T/A the Norwood Inn, at the fee of \$1,500.00 effective May 1, 2014 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 Mahon seconded by McGovern that the Board of Commissioners hereby approve a 50/50 Raffles License for Monmouth Medical Center Foundation to be held on May 18, 2014 at the Columns.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the bills in the amount of \$1,248,120.30 be approved for payment.

The Vote:

Aye: All

No: None

Mayor asks if anyone would like to be heard?

Wally French asked about the enforcement of the dog regulations.

Ron Climes asked about the postal carriers walking across peoples' lawns when delivering mail.

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

The Vote:

Aye: All

No: None

Robert Mahon, Mayor

Robert P. McGovern, Commissioner

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