

REGULAR MEETING – MAY 11, 2009 – 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 Gorman that the minutes of the meeting of April 27, 2009 be approved as written.

The Vote:

Aye: All

No: None

Motion by Mahon seconded by McGovern that the hearing on the 2009 budget be opened.

The Vote:

Aye: All

No: None

Opening statements by Mayor Mahon, John Antonides, C.F.O. & Robert Hulsart, Auditor.

Mayor Mahon – this evening’s public hearing on the proposed 2009 budget is intended to provide background information on the budget development process and it’s implications to the taxpayers in the Borough. John Antonides, CFO & Robert Hulsart, Auditor are present.

The total general appropriation for the 2009 budget is \$5,113,770.92. Revenue includes \$262,739 from surplus, \$1,379,007.92 from misc. revenue sources including state aid grants, local fees and \$111,749 from receipts from delinquent taxes, with remaining \$3,360,275 to be raised through property taxes. Misc. revenues including \$51,420 from cell tower contract, included in the \$262,739 in anticipated surplus is \$77,000 in deferred school tax. Total increase in the amount to be raised by taxes \$138,275 will result in tax increase of 1.1% per \$100 or \$11 per \$100,000.

John Antonides, CFO – preparation of the municipal budget is a time consuming process. It begins late in the fall and goes into the following spring. The Commissioners and Administrator review every line item. Once the review is complete the budget is finalized by the auditor, formally introduced and forwarded to the state for their review if required. The Borough utilized a 0 based budgeting format in preparation of the 2009

budget. This format requires itemizing in detail all funding request from 0 dollars to the amount requested. A 0 based budget should ensure more accurate budgeting and eliminate increase spending without detailed justification. Avon’s budget consists of 3 components – current operating budget, water/sewer utility budget & beach budget. The beach and water/sewer budget has no effect on tax rate. Water/sewer budget is offset by user fees and beach budget is offset by badge fees. State law mandates that municipal budgets must be balanced with revenues equaling appropriations. We will not be able to vote on the budget tonight as Trenton has not approved it yet.

Bob Hulsart, Auditor – our surplus is roughly \$328,000. We are using \$262,000. Not allowed to use the other \$65,000 by law because pledged to non-cash surplus deferred charges which is revaluation. As that’s paid off over five years, that amount is freed up each year. We’re using every dollar of surplus that we can. The budget we’re talking about is the local budget, doesn’t include school or county. We will have to amend budget for a small item because in prior years we got additional supplemental library aid and we are not getting that this year. We had put it in the budget anticipating it. It’s about \$3,900. Will not affect tax rate.

Mayor asks if there are any questions or comments from the public? None.

Motion by Gorman seconded by Mahon that the hearing on the 2009 budget is closed.

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

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, the local municipal budget for the year 2009 was approved on the 11th day of May, 2009, 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 2009 be made.

	<u>From</u>	<u>To</u>
Anticipated Revenues:		
1. Miscellaneous Revenues		
Section B State Aid Without Offsetting		
Appropriations		
Water Surplus	\$ 3,849.00	\$ 0
Special Items of General Revenue Anticipated		
With Prior Written Consent of Director of		
Local Government Services:		
Water Surplus	353,849.00	353,849.00

BE IT FURTHER RESOLVED, that three 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 McGovern that,

WHEREAS, the voters of the Avon-By-The-Sea School District at an election duly held on April 21, 2009, rejected the proposed 2009-2010 School Budget submitted by the Avon-By-The-Sea Board of Education which called for a local tax levy of \$3,016,113.00 and a debt service of \$310,263.00, and

WHEREAS, the Commissioner of Finance and Borough Administrator did meet and consult with members of the Board of Education Finance Committee and the School Superintendent and Board Secretary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea hereby determines that a general fund tax levy of \$3,016,113.00 is necessary and sufficient to provide a thorough and efficient education in the Avon-By-The-Sea School District for the fiscal year July 1, 2009 to June 30, 2010 and additionally debt service of \$310,263.00, and

BE IT FURTHER RESOLVED, that the general fund tax levy represents a reduction of \$0.00 from the tax levy submitted by the Board of Education.

The Vote:

Aye: All

No: None

Mayor Mahon – we’ve been involved in reviewing a number of budgets over the years. This budget was defeated by 19 votes. Not really significant, had a referendum approved by less votes than that. The numbers, although influencing, were not the bottom line. Mr. Gallagher and I spent a lot of time reviewing this budget. An important factor the public should be aware of is the fact that this budget is less than last year’s budget which indicated to me when reviewing it, that this budget was very carefully put together and scrutinized and we couldn’t com up with any way to identify any additional cuts with the exception of surplus funds. There was \$190,000. After the budget was approved they incurred additional expenses for special education placement which weren’t included in the budget. When put special education costs into budget, you are not allowed to anticipate additional children coming into the district. Can only budget for number of children you currently have. Isn’t realistic way to do it, especially in a small town like ours. Some new children came in, both of whom have the potential for additional costs related to special education. That sort of shot down the token kind of a cut we might have made by taking some money out of surplus. It’s not an easy recommendation to make to a public that has defeated a budget, but I think it’s the right thing.

RESOLUTION offered by McGovern seconded by Gorman that,

BE IT RESOLVED by the Board of Commissioners that in accordance with Chapter 64, Section 64-1 of the Code of the Borough of Avon-By-The-Sea, the following dates will apply for 2009:

Designated beaches will be open the weekends of:

May 23rd

May 30th

June 6th

June 13th

Daily June 20th through September 7th inclusive.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

BE IT RESOLVED by the Board of Commissioners that in accordance with Chapter 64, Section 64-3 of the Code of the Borough of Avon-By-The-Sea, the following protected waters and beaches and no others are hereby designated for bathing and swimming.

- 1. Norwood Avenue Beach**
- 2. Sylvania Avenue Beach**
- 3. Washington Avenue Beach**
- 4. Garfield Avenue Beach**
- 5. Lincoln Avenue Beach**
- 6. Woodland Avenue Beach (for surfing and/or swimming, at the discretion of the Beachfront Supervisor or in his absence, the Chief Lifeguard).**
- 7. East End Avenue Beach (for surfing, swimming and/or boating, at the discretion of the Beachfront Supervisor or in his absence, the Chief Lifeguard).**

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the Board of Commissioners hereby appoint the following new Class I Special Police Officers for the 2009 summer season, effective May 1, 2009.

**Vincent Cavalleri
Brian J. Johnson
Charles A. Sebban**

**Andrew M. Hallgring
Nicholas B. Sarno
Greg Ganley**

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorize the refund of 2009 duplicate tax payments to the following:

Block 23, Lot 2.02	West	37 Woodland Ave.	\$2,913.69
Block 52, Lot 4	Henderson	108 Second Ave.	\$2,217.78

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, members of the armed forces of the United States, including residents of the Borough of Avon-By-The-Sea, are today actively engaged in combat operations in Afghanistan and Iraq, or are deployed or otherwise serving in support of those operations, and/or in support of the on-going efforts of our Armed Forces throughout the world to protect and defend our nation and its citizens; and

WHEREAS, since September 11, 2001, and increasingly since the commencement of combat operations in Afghanistan and Iraq, the men and women of the New Jersey National Guard have been called up to active duty status in increasing numbers, and their support and service has been and will continue to be essential to the overall success of military efforts both home and abroad, and

WHEREAS, the ongoing hostilities in Afghanistan and Iraq, and the call to active service of thousands of New Jersey's National Guard Reservists, have added untold additional stress and sacrifice to the lives of thousands of families of our active duty military, and for whom in peacetime day-to-day life was already stressful and challenging enough, and

WHEREAS, as of this morning many American families have lost loved ones in the military actions underway in Afghanistan and Iraq, and more than a hundred thousand other American families live each day in constant trepidation that the next knock on the door might make their own worst fears come true, and

WHEREAS, it is important that the enormity of the day-to-day sacrifices and heroism of our troops and their families not be lost or forgotten amidst the din of a presidential campaign and the media's unwavering focus on the sensational, and

WHEREAS, the residents of the Borough of Avon-By-The-Sea want our troops and their families to know that they are in our hearts and our minds, that we support them and are extremely grateful for the sacrifices they are making each and every day, and

WHEREAS, the Board of Commissioners, on behalf of all the families of Avon, wish to honor and recognize our active duty military personnel and their families by establishing a special program for the summer of 2009;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Avon-By-The-Sea, that in honor and recognition of our active duty military personnel and their families, and to demonstrate the gratitude of the residents of the Borough of Avon for the daily sacrifices they are making, the Borough of Commissioners of the Borough of Avon-By-The-Sea hereby announce the commencement of “OPERATION: THANK YOU”, and that free beach admissions be provided during the 2009 season to active duty military personnel and their dependents upon the presentation of a valid military identification card at any beach entrance.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and shall remain in effect throughout the 2009 beach season.

The Vote:

Aye: All

No: None

Motion by Mahon seconded by Gorman that the bills in the amount of \$777,204.02 be approved for payment.

The Vote:

Aye: All (Mayor abstains from Pol. Dept. bills)

No: None

Supervisors report:

Jeff Bramhall, DPW Supt. – reminder that at the DPW yard we have dumpster available for anyone to drop off junk mail. Mayor asked Jeff about requiring attached lids on garbage cans? Doesn’t recommend it. The lids get broken very easily and it’s hard for the guys to dump the trash. I recommend that the lids be tied to something. Have done some cleaning around the lake when the level was low.

Doug Carter, Rec. Dir. – everything going well. Focusing on safety. Facilities and ball field in good shape. Summer activities are lined up. Had about 60 participants in the yard sale this weekend. The leisure citizen group is doing well – about 60 members now. Share a lot of services with Neptune City.

Sheila Watson, Librarian – work on wall is anticipated to begin sometime this week. Summer hours begin the 2nd Mon. in June. The 1st library summer program will be at the pavilion on June 30th.

Karl Klug, Water Supt. – water plant coming together nicely. Couple things to be done tomorrow. Should be on line tomorrow or Wed. Flushing hydrants next week.

Charlie Rooney, Engineer – Norwood Ave. from Main St. to Third Ave. will delay work until after the summer with no change in price.

Terry Mahon, Police Chief – portable stop signs and yield to pedestrian signs are out. Chief Mahon talked about bike safety – use helmets. A lot of bike thefts take place in Avon and surrounding towns during the summer – use locks.

Mayor asks if anyone would like to be heard?

Wally French – extra cans and weekend pickup very effective. Beach much cleaner this weekend.

Ken Child – thanked Commissioners for approval of budget on behalf of Board of Education & also recognition of hard work by Mrs. Payne and Mrs. Lerner to help control the costs.

Someone asked about planting a vegetable garden in the empty lot next to the bank. Mayor said there would be no objections if o.k.'d by owner of lot and Borough zoning officer.

Comm. Gorman reminded everyone about the decreased speed in the lanes. New signs are posted.

Motion by McGovern seconded by Mahon 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**