

REGULAR MEETING – JULY 8, 2013 – 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 Forman that the minutes of the meeting of May 13, 2013 be approved as written.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by McGovern that the minutes of the meeting of May 28, 2013 be approved as written.

The Vote:

Aye: All (Mayor Mahon absent)

No: None

Motion by McGovern seconded by Gorman that the minutes of the meeting of June 10, 2013 be approved as written.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

ORDINANCE NO. 2-2013 entitled:

“ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2013.”

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the above Ordinance No. 2-2013 be taken up on second reading with a hearing on July 22, 2013 at 7:30 p.m.

The Vote:

Aye: All

No: None

Motion by Mahon seconded by McGovern that the Public Hearing on the 2013 budget be opened.

The Vote:

Aye: All

No: None

Mayor Mahon – this evening’s public hearing on the 2013 proposed budget is intended to provide background info. on the budget development process and it’s implications 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 this 2013 budget is \$6,867,395.89. Revenue includes \$169,550 from surplus, \$2,995,806.89 from misc. sources including state aid grants and local fees, \$2,217,478 including 1.2 million from FEMA, \$1,017,478 from the Federal Community Disaster Loan (CDL) – this is outlined on Sheet 11 of the budget if anyone wants to look at it, \$70,000 from receipt of delinquent taxes with the remaining \$3,302,464 to be raised in property taxes. The total amount to be raised by taxes is \$48,776 less than amount raised in 2012, which will result zero tax increase in the proposed municipal budget for 2013. It is significant to note that this budget represents an increase in appropriations of \$1,645,305, most of which resulted from damage caused by Hurricane Sandy. As a result of FEMA funding we were able to offset all of this increase & present a budget that represents a zero tax increase.

John Antonides – Avon’s budget consists of 3 components – current, water/sewer, and beach. Beach and water/sewer has no effect on your municipal tax rate. Water/sewer is offset by user fees and beach is offset by badge sales. In preparing this budget, the Board of Commissioners maintained services with the same tax rate as 2011 and no loss in municipal operations. The challenges related to the preparation of the 2013 budget included loss of ratables and Sandy related expenses. The Federal Community Disaster Loan is received in 3 phases – covers 3 different areas – water/sewer budget, beach budget and current acct. budget. FEMA money we were to raise 1/5th of our emergency, which was 6,000,000 last year. 1.2 million budget operation that we had to offset with receivable of the same amount so it would not impact the tax rate. We’ve received just under \$300,000 in FEMA money so far.

Robert Hulsart – a lot of communities have tax increases this year, so it’s very impressive that there is a zero tax increase. It’s been steady the last three (3) years. We’re always looking for consistency. The Commissioners have done a good job.

Mayor asks if anyone would like to be heard on the 2013 budget?

John ? – the million dollar increase in operating cost – do you foresee it disappearing next year?

Mr. Antonides – how it works is, you have \$6 million loan – depending on how much and when we receive from FEMA, this money come due in Dec. So right now we’ve taken 1.2 off so there is 4.8 left. In theory, if we receive 3 million next year, you divide by 4 years left. It must be paid back in 5 years. So using this scenario, take 3 million divided 4 year. The whole time you’re still receiving FEMA money so it goes down. Take 1.2 right off the bat so you’re at 4.8 million for next year. If you receive more than 1.2 million that

comes right off that number right and you divide that by until by the 5th year you have it totally repaid.

Tim Gallagher – we’ve received a lot more than \$300,000. It’s just not FEMA money. That \$6 million included our flood insurance on the buildings, insurance on the contents, insurance on the vehicles. Between FEMA and insurance money we’ve received about \$750,000 so far.

We are not voting on approving the budget tonight. Have to wait for second reading on Ord. No. 2, Cap Bank, which will be on July 22nd. Will vote on budget at that time.

Motion by Gorman seconded by Mahon that the public hearing on the 2013 budget be closed.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

BOND ORDINANCE NO. 3-2013 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 \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 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 McGovern seconded by Mahon that the above Bond Ordinance No. 3-2013 be taken up on second reading with a hearing on July 22, 2013 at 7:30 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

BOND ORDINANCE NO. 4-2013 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 \$865,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000 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 McGovern that the above Bond Ordinance No. 4-2013 be taken up on second reading with a hearing on July 22, 2013 at 7:30 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the governing body of the Borough of Avon-By-The-Sea provides for receipt of Affordable Housing Receipts by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:12A-3 et seq. provides the dedicated revenues anticipated from Affordable Housing Receipts are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Avon-By-The-Sea, County of Monmouth, New Jersey as follows:

- 1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures related to Affordable Housing in the Borough of Avon-By-The-Sea.**
- 2. The Clerk of the Borough of Avon-By-The-Sea, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of Local Government Services.**

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern 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 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 2013:

Designated beaches will be open the weekends of:

May 25th

June 1st

June 8th

Daily June 15th through September 2nd inclusive.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby approve the following Hotel and Rooming House licenses.

Hotel Licenses:

The Columns Hotel

The Norwood Inn

The Cashelmara Inn

Rooming House Licenses:

Frank Giordano

The Atlantic View Inn

The Twin Pines

Sophie Feskos

The Ocean View Inn

The Avon Manor

Inactive Licenses:

Craig Suchecki, 42 Sylvania Ave.

Nora Lane, 202 Sylvania Ave.

Winifred Larkin, 38 Sylvania Ave.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby approve a change order for the contract with Precise Construction, Inc., Ocean Avenue Wall & Sidewalk Reconstruction project for an addition in the amount of \$5,799.00 for a revised contract amount of \$309,289.00.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the bids for the Floating Docks be rejected due to defective bid bonds.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the Borough Administrator is hereby authorized to sign a Shared Services Agreement between the Borough of Neptune City, the Borough of Bradley Beach and the Borough of Avon-By-The-Sea for the Court Administrator and Facilities.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that Richard Connors is hereby appointed Construction Official and Building Subcode Official for a four (4) year term effective June 1, 2013.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$1,040,093.19 be approved for payment.

The Vote:

Aye: All (Mayor abstains from P.D. bills)

No: None

Department Head reports:

Sheila Watson, Librarian – no book fair this year due to lack of facilities. Will be back next year!

Charlie Rooney, Engineer – most construction projects completed at this time, nothing active going on.

Karl Klug, Water Supt. – no water complaints since switching to our own water.

Jeff Bramhall, DPW Supt. – have switched to single-stream recycling. All recycling items can go in same container. DO NOT MIX WITH TRASH, HOWEVER.

Barry Cooke, Attorney – nothing to report.

Mayor asks if anyone would like to be heard?

(Unable to hear the speakers on the tape).

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

The Vote:

Aye: All

No: None

Robert Mahon, Mayor

Robert P. McGovern, Commissioner

Francis E. Gorman, Commissioner

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