

REGULAR MEETING – JULY 28, 2014 – 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.

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 5-2014 entitled:

“ ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 134, RENTAL PROPERTY, ADDING A NEW SECTION ENTITLED “LANDLORD REGISTRATION” OF THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH COUNTY, NEW JERSEY. ”

LANDLORD REGISTRATION.

Title. The within section shall be known and referred to as the Landlord Registration Section.

Legislative Intent. The Board of Commissioners of the Borough of Avon-by-the-Sea declare that in order to promote public health, safety and welfare it is imperative that the Borough maintain an up-to-date registry of all landlords, managing agents, managers and superintendents together with a current listing of all residential and commercial tenants residing within the Borough so that municipal agencies, including but not limited to, the Borough Clerk, Police Department, Fire Department, Department of Public Works, Office of Emergency Management, Board of Health, Board of Education and other Borough, County or State agencies, may contact either the landlord, the landlord’s agent or the tenant in the event such circumstances require contact concerning state of local emergencies and such other circumstances which the Borough deems necessary for the welfare of the Borough and its inhabitants, which shall be liberally construed to effectuate Borough purposes.

Definitions. As used in this section, the following terms shall have the following meanings:

***Commercial unit* shall mean and include any rental unit of commercial or business property which shall engage in business or commercial activities with the Borough of Avon-by-the-Sea.**

***Landlord* shall mean the person or persons, partnership, limited liability corporation, corporation, trust, estate or any other like entity which**

owns or purports to own or have an interest in any residential or commercial multiple dwelling as defined herein.

***Multiple Dwelling* shall mean and include any residential or commercial building or structure rented or offered for rent to one or more tenants, family units, or business entity who in a business-related activity within the Borough of Avon-by-the-Sea including all commercial properties.**

***Resident residential unit* shall mean and include all rental apartments, condominiums, single-family and two- or more family homes which are non-owner-occupied housing units, located within the Borough of Avon-by-the-Sea.**

Registration Procedure; Information Required. Every landlord within the Borough of Avon-by-the-Sea shall within thirty (30) days of the final publication of this ordinance, and thereafter by April 15th of each and every succeeding year, file a statement under oath with the Code Enforcement Officer, which statement shall contain the following information on forms provided by the Borough and available at the office of the Borough Clerk, which forms shall be supplied to each landlord:

- a. The name and address of the resident and residential unit owner of record of any multiple dwelling containing residential units.**
- b. The name and address of the rental premises.**
- c. The total amount of rental units located at the rental premises.**
- d. The name, address and telephone number of the managing agent or superintendent responsible for the rental property.**
- e. The name, addresses and telephone number of the on-site manager or supervisor.**
- f. The location at each multiple dwelling unit of any area designated for storage of hazardous materials and/or flammable items at the rental location.**
- g. The name and address of every tenant occupying each residential rental unit.**
- h. The unit designation that each tenant occupies.**
- i. The location of every fire alarm box, fire extinguisher and fire fighting equipment at the residential multiple dwelling.**
- j. The location of all emergency exits (if applicable).**
- k. The total square footage of the entire rental premises.**
- l. The business and emergency telephone numbers of the owner or management agent.**
- m. The type of construction of the rental premises.**
- n. The name and address of all utility companies serving the within rental premises.**

- o. The location of any and all storage tanks and/or underground storage tanks at the rental premises.**
- p. The nature of the business or commercial activity performed.**

Modifications to Registration Statements. The owner of the multiple dwelling containing commercial or residential units and resident residential units shall be responsible to notify the Code Enforcement Officer with regard to any of the following changes affecting the rental units within two (2) weeks of any change occurring on forms prescribed by the Borough of Avon-by-the-Sea:

- a. A change in ownership;**
- b. A change in management agent or supervisor;**
- c. A change in the resident manager;**
- d. A change in occupancy of any tenant occupying commercial or residential rental unit or resident residential unit;**
- e. A change in any of the utility service companies serving a rental unit.**

Maintenance of Registration Statements. The Code Enforcement Officer shall maintain all landlord registration statements at the Municipal Building and shall provide access to the Borough Clerk, Police Department, Fire Department, Department of Public Works, Office of Emergency Management, Board of Health, Board of Education and other Borough, County or State agencies for purposes of the general welfare of the Borough of Avon-by-the-Sea.

Fees. Within thirty (30) days following the adoption of the within section and thereafter, on or before April 15th of each succeeding year, the owner or his designate upon the filing of the landlord registration shall pay a fee, payable to the Borough of Avon-by-the-Sea in the amount set forth hereunder:

<i>Number of Units</i>	<i>Fee</i>
For 1-3 rental units	\$ 50.00
For 4-6 rental units	100.00
For 8-10 rental units	150.00
For 11-15 rental units	200.00
For 16-25 rental units	250.00
For 26-50 or more rental units a fee of three hundred (\$300.00) dollars together with a fee of five (\$5.00) dollars per each unit in excess of fifty (50) units.	

The within fees shall be aggregate and not per unit

Violations and Penalties. The failure of an owner to comply with the landlord registration within the time restraints set forth herein or to make any and all modifications as required under this section shall subject the owner to a fine not less than two hundred fifty (\$250.00) dollars and not more than one thousand (\$1,000.00) dollars for a first violation. Thereafter, for second and subsequent violations, the owner shall be subject to a fine or not less than five

hundred (\$500.00) dollars and not more than two thousand five hundred (\$2,500.00) dollars.

Would anyone like to be heard on the above ordinance?

Kelly Cutillo asked if this was for new tenants? Yes & annually.

Someone asked about the fees? Fees based on amount of units.

Rich Connors spoke about the ordinance and further discussion took place. What brought this about? So many rentals – about 500 rentals in town, only about 70 C.O.’s issued. This gives a little more control. There would be 30 days after publication to obtain and then by April 15th of each year.

Motion by McGovern seconded by Mahon that the above Ordinance No. 5-2014 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 6-2014 entitled:

**“ ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 161, VEHICLES AND TRAFFIC, ADDING
A NEW SECTION ENTITLED “PARKING PROHIBITED-
DISABLED OR DISASSEMBLED VEHICLES” OF THE
CODE OF AVON-BY-THE-SEA, MONMOUTH COUNTY,
NEW JERSEY. ”**

161-6.6 Parking Prohibited – Disabled or Disassembled Vehicles

No person shall park or place any disabled or disassembled vehicle on any public street. No one shall undertake repairs without the express permission of the Borough Police, which permission shall be limited in duration to the reasonable amount of time to have the disabled vehicle removed or repaired but under no circumstances in excess of four (4) hours.

A disassembled vehicle shall include any vehicle in which the hood, trunk lid, fenders(s), door(s), tire(s), tail light assembly, headlight assembly or windshield have been removed and are missing except as part of a repair being performed as permitted by this section.

Would anyone like to be heard on the above ordinance?

Ernie Fattorosi, J&E Auto – talked about history of ownership and disagreements with Cutillo’s. Has owned for 27 yrs. Only complaints ever received were from Cutillos. Has never had a violation filed against him by police dept., fire dept., DEP, health dept.

Tom Cutillo, 510 Garfield Ave. – talked about his history with J&E Auto. Has lived there 12-14 years. Parks cars in front of his house.

Motion by McGovern seconded by Mahon that the above Ordinance No. 6-2014 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 7-2014 entitled:

**“ ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 162, PERMITTED PARKING, OF THE
CODE OF AVON-BY-THE-SEA, MONMOUTH COUNTY,
NEW JERSEY. ”**

162-7 Disabled or Disassembled Vehicle – Municipal Lot

No person shall park or place any disabled or disassembled vehicle in any such parking area, nor undertake repairs or allow such vehicle to be in a state of disassembly in such parking area without the express permission of the Borough Police, which permission shall be limited in duration to the reasonable amount of time to have the disabled vehicle removed or repaired. In no instance shall such permission exceed twenty-four (24) hours.

A disassembled vehicle shall include any vehicle in which the hood, trunk lid, fender(s), door(s) or tire(s) have been removed and are missing except as part of a repair being performed as permitted by this section.

Would anyone like to be heard on the above ordinance? No one.

Motion by McGovern seconded by Gorman that the above Ordinance No. 7-2014 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 McGovern seconded by Gorman that,

ORDINANCE 8-2014 entitled:

**“AN ORDINANCE TO AMEND AND SUPPLEMENT
THE SALARIES OF THE OFFICERS AND EMPLOY-
EES OF THE BOROUGH OF AVON-BY-THE-SEA.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Mahon seconded by Gorman that the above Ordinance No. 8-2014 be taken up on second reading with a hearing on August 11, 2014 at 7:30 p.m.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$831,954.51 be approved for payment.

The Vote:

Aye: All

No: None

Mayor asks if anyone would like to be heard?

Discussion on permit parking.

Motion by McGovern seconded by Gorman 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

**Michele Darling, RMC
Deputy Borough Clerk**