

REGULAR MEETING – OCTOBER 14, 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.

Motion by McGovern seconded by Mahon that the minutes of the meeting of September 22, 2014 be approved as written.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Bond Ordinance No. 9-2014 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 \$640,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$434,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

BE IT ORDAINED by the Board of Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Avon-By-The-Sea, New Jersey as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$640,000, including \$200,000 in grants received from the NJ Department of Transportation for improvements to Ocean Avenue Curb Improvements. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11C of the Local Bond Law.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$440,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation And Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Various Street & Lane Improvements	\$525,000	\$325,000	10 years
b) Marina Construction & Development	115,000	115,000	10 years
Totals:	\$640,000	\$440,000	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the down payment for each purpose, and/or grant monies already approved and receivable.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to the ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A.40A:2-8.1(3)(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough of Avon-By-The-Sea is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited hereby.**
- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.**
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$440,000, and the obligations authorized herein will be within all debt limitations prescribed by that law.**
- (d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.**

Section 7. Any grant monies received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements, or if other then the grants referred to in Section 1 hereof, to payment of the obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Motion by McGovern seconded by Mahon that the above Bond Ordinance No. 9-2014 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 Mahon approving the submission of a grant application and executing a grant contract with the New Jersey Department of Transportation for the Washington Avenue and East End Avenue Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-by-the-Sea formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Board of Commissioners and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Avon-by-the-Sea-00413 to the New Jersey Department of Transportation on behalf of the Borough of Avon-by-the-Sea.

BE IT FURTHER RESOLVED that the Board of Commissioners and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Avon-by-the-Sea and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS *N.J.S.A. 40A:11-11(5)* authorizes contracting units to establish a Cooperative Pricing System and to enter into a Cooperative Pricing Agreements for its administration; and

WHEREAS the Middlesex Regional Educational Services Commission, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on October 14, 2014 the governing body of the Borough of Avon-By-The-Sea, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE: This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Avon-by-the-Sea.

AUTHORITY: Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)* the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT: The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby approve a change order for the contract with Jo-Med Contracting Corp., 2014 Sanitary Sewer Repairs project for a reduction in the amount of \$2,000.00, additions in the amount of \$7,300.00 for a total change of \$5,300.00 and a revised contract amount of \$38,376.22.

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 Albert Marine Construction, Municipal Riverfront Park & Marina project for a reduction in the amount of \$12,555.00, additions in the amount of \$11,601.20 for a total change of \$953.80 and a revised contract amount of \$378,736.20.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby approve a change order for the contract with Breaker Electric, Inc., Avon Pavilion project for a reduction in the amount of \$1,320.00, additions in the amount of \$11,937.00 for a total change of \$10,617.00 and a revised contract amount of \$81,617.00.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby appoint Michele Darling as Registrar of Vital Statistics for a three (3) year term. Said term effective June 24, 2013.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby appoint Tamara Brown as Deputy Registrar of Vital Statistics for a three (3) year term. Said term effective June 24, 2013.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby appoint Kerry McGuigan as Alternate Registrar of Vital Statistics for a three (3) year term. Said term effective June 24, 2013.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, the Citizens of the Borough of Avon-By-The-Sea have been subjected to vandalism during this time of year, and

WHEREAS, this vandalism is the result primarily of children under the age of eighteen (18) running through the streets and lanes of the Borough.

NOW, THEREFORE, BE IT KNOWN, that I, Robert Mahon, Mayor of the Borough of Avon-By-The-Sea, do hereby proclaim that commencing October 30th through November 3rd 2014, NO child under the age of eighteen (18) years of age shall be permitted on the streets or lanes of the Borough of Avon By The Sea between the hours of 8:00 P.M. and 6:00 A.M., unless accompanied by their parent or guardian.

BE IT FURTHER KNOWN, that NO person of any age shall be permitted to wear a mask on any of the streets or lanes of the Borough of Avon-By-The-Sea between the dates and hours stated above.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the bid for the 2014 Road Improvement Program and Reconstruction of Lanes be awarded to JADS Construction Co., South River, NJ in the amount of \$495,495.00. This award is subject to the availability of funds and the review and approval of the bid documents by the Borough Attorney. The award is also subject to the review and approval of the New Jersey Department of Transportation.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the bills in the amount of \$358,918.68 be approved for payment.

The Vote:

Aye: All

No: None

Dept. Heads' reports:

Sheila Watson, Librarian – had successful summer season. \$2,026.00 made at book fair. Circulation is up 25%.

Jeff Bramhall, DPW Supt. – leaf season-put out leaves in curb.

Terry Mahon, Police Chief – new program in place-if caught texting or talking on phone while driving, you are issued a warning. And then you have to go on a website and watch an educational video regarding not texting/talking while driving.

Mayor asks if anyone would like to be heard?

Mr. Gallagher – discussed FY 2014 Best Practice Inventory. With the results of the inventory and the certification of the CFO, John Antonides and Administrator, Tim Gallagher, the Borough had a score of 88%, so therefore no state aid will be deducted or lost.

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**