

**REGULAR MEETING – APRIL 13, 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 Mahon that the minutes of the meeting of March 23, 2009 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. 6-2009 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 \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$346,750 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 \$550,000 including \$185,000 in grants received from the NJ Department of Transportation for improvements to Norwood Avenue, and further including the aggregate sum of \$18,250 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by the virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.**

**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 \$346,750 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 therefor, 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 Road improvements	\$475,000	\$275,500	10 years
b) Renovations & Repairs to Municipal Pool	\$ 75,000	\$ 71,250	5 years
Totals:	\$555,000	\$346,750	

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 therefor, 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 8.5 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 \$346,750, and the obligations authorized herein will be within all debt limitations prescribed by that law.
- (d) An aggregate amount not exceeding \$70,000 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 Bond Ordinance? No one.

Motion by Mahon seconded by McGovern that the above Bond Ordinance No. 6-2009 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 Mahon seconded by McGovern that,

**ORDINANCE NO. 7-2009 entitled:**

**“ AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 133, ARTICLE IV, ENTITLED “MUNICIPAL  
SWIMMING POOL” OF THE CODE OF THE BOROUGH  
OF AVON-BY-THE-SEA, MONMOUTH COUNTY,  
NEW JERSEY. ”**

be introduced on first reading.

The Vote:

Aye: All

No: None

It was asked how we can charge more for the pool than the beach? Commissioner McGovern said because the beach is public and the pool is privately owned by the Borough.

Motion by Mahon seconded by McGovern that the above Ordinance No. 7-2009 be taken up on second reading with a hearing on April 27, 2009 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

**RESOLUTION** offered by Mahon seconded by McGovern that,

**BE IT RESOLVED** by the Board of Commissioners of the Borough of Avon-By-The-Sea, County of Monmouth, that the Borough is hereby permitted to defer school tax, not to exceed 50% of the levy of \$3,189,310.00 of the unpaid balance, and

**WHEREAS**, the current deferred school tax is \$1,173,501.75, and

**BE IT FURTHER RESOLVED** that an additional amount of \$80,000.00 of unpaid school tax be deferred, bringing the total to \$1,253,501.75,

**BE IT FURTHER RESOLVED** that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

The Vote:

Aye: All

No: None

**RESOLUTION** offered by McGovern seconded by Mahon that,

**BE IT RESOLVED** by the Board of Commissioners of the Borough of Avon-By-The-Sea that it hereby introduces the 2009 Municipal Budget in the amount of \$5,113,770.92, and

**BE IT FURTHER RESOLVED** that the said budget requires \$3,360,275.00 to be raised in property taxes, and

**BE IT FURTHER RESOLVED** that a summary of said will be published in the April 23, 2009 edition of the Coast Star, and

**BE IT FURTHER RESOLVED** that full copies of said budget are available in the office of the Borough Clerk, and

**BE IT FURTHER RESOLVED** that a public hearing of said budget will be conducted on May 11, 2009 at 7:30 p.m.

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? No one.

**RESOLUTION offered by McGovern seconded by Gorman 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, 2009 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 8:00 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**

**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? Chris Solomita from the Atlantic View Inn asked about loud music. Said it does get loud. Commissioner Gorman said that he measured the sound level a couple of years and did not find the sound level disturbing or intrusive.**

**RESOLUTION offered by Mahon seconded by McGovern 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, 2009 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**

**RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorizes the cancellation of 2009 water/sewer charges for the following accounts:**

Block 39 Lot 9	Fifth & Lincoln Ave.	Overestimate	\$225.60
Block 48.01 Lot 14.02	301 Washington Ave.	Overestimate	\$ 48.00

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorize the refund of a 2009 duplicate tax payment to the following:**

Block 43.01 Lot 12	First American	507 Jefferson Ave.	\$1,139.56
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**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Mahon that,**

**WHEREAS, there exists an Interlocal Services Agreement for a Geese Peace Management Program between six (6) municipalities, and**

**WHEREAS, the Borough of Avon-By-The-Sea is a party to said Interlocal Agreement, and**

**WHEREAS, Article VIII Duration, states that the duration of the program shall be for a period of two (2) years unless extended by mutual consent, and**

**WHEREAS, last year five (5) of the original six (6) municipalities decided to extend the agreement for an additional year (2008), and**

**WHEREAS, the Borough of Avon-By-The-Sea wishes to extend the program for an additional year at a funding share of \$3,150.00.**

**NOW, THEREFORE, BE IT RESOLVED that the Borough of Avon-By-The-Sea hereby agrees to extend the duration of the Interlocal Services Agreement for a Geese Peace Management Program for a period of one (1) year (2009).**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Gorman that the following re-appointment be made:**

Eleanor Mahon	Library Board	5 year term	End 12/31/13
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**The Vote:**

**Aye: Gorman, McGovern**

**No: None**

**Abstain: Mahon**

**RESOLUTION offered by Mahon seconded by McGovern that the following appointments be made:**

<b>Bonnie Heyl</b>	<b>Recreation Comm.</b>	<b>5 year term</b>	<b>End 12/31/13</b>
<b>Joanne Boyle</b>	<b>Recreation Comm.</b>	<b>5 year term</b>	<b>End 12/31/13</b>
<b>Wendy Hilton</b>	<b>Recreation Comm.</b>	<b>5 year term</b>	<b>End 12/31/13</b>

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Mahon that the following appointment be made:**

<b>Patrick McMahon</b>	<b>Zoning Official</b>	<b>1 year term</b>	<b>End 4/12/10</b>
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**The Vote:**

**Aye: McGovern, Mahon**

**No: None**

**Abstain: Gorman**

**Motion by McGovern seconded by Gorman that the bills in the amount of \$474,025.00 be approved for payment.**

**The Vote:**

**Aye: All**

**No: None**

**Supervisor's report:**

**Sheila Watson, Librarian:** still waiting for date to be set for the work on the wall to begin. Library use has gone up 20% since Jan. She is doing over 100 transactions a month with other libraries.

**Karl Klug, Water Supt.:** work at water plant almost completed.

**Jeff Bramhall, DPW Supt.:** beginning May 1<sup>st</sup> there will be a dumpster in public works yard for mixed paper. It is voluntary, there will be no curbside pickup. It was asked what the benefit to the town is? Jeff said other than benefiting the environment, we are not bringing it to the landfill which we do pay for. Right now we are not getting any money for recycling. Recycling prices fluctuate constantly. Mayor asked Jeff how the lanes are and if he's been doing any work in them? Jeff said they fill potholes as they come up.

**Mayor asks if anyone would like to be heard?**

**Leo Fink asked about the deferred school tax? Mr. Gallagher explained:** because we start collecting taxes in January and collect taxes all year long – the school's year starts July 1<sup>st</sup> – it allows us to defer 1/2 of that tax into our surplus, because you don't owe it to the school until July 1<sup>st</sup>.

**Someone asked about the 2 million dollar difference in budget (5 mil. Vs. 3 mil. in budget) (unable to hear complete question on tape). Mr. Gallagher said that is the revenue side which is made up of surplus, grants, misc. revenues, state aid, taxes. We are not deferring our pension payments.**

**Someone asked about the marina purchase – Mayor said it is still active. We made offer, got all the money needed for purchase price.**

**Someone asked which beach is going to be the surfing beach this year? Mr. Gallagher said probably Woodland Ave. as usual.**

**Commissioner Gorman announced that they are looking for new members for the Fire Dept. and 1<sup>st</sup> Aid Squad.**

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

**The Vote:**

**Aye: All**

**No: None**

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**Robert Mahon, Mayor**

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**Robert P. McGovern, Commissioner**

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**Francis E. Gorman, Commissioner**

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