

REGULAR MEETING – MAY 24, 2010 – 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 hearing on the 2010 budget be opened.

The Vote:

Aye: All

No: None

Mayor Mahon – this evening’s public hearing on the 2010 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, Bob Hulsart, Jr. They will provide an overview and answer any questions.

Total appropriations for this budget is \$5,587,945.55. Revenue includes \$457,009 from surplus, \$1,448,858.55 from misc. sources including state aid grants and local fees, \$143,000 from receipt of delinquent taxes with the remaining \$3,539,078 to be raised in property taxes. Misc. revenues include \$54,687 from the cell tower contract. The total increase in the amount to be raised by taxes is \$178,803 which will result in a tax increase of 1.9/\$100 or \$19 per \$100,000 of assessment. In presenting this budget we believe that it represents a concerted effort to continue to provide services that our community requests and deserves while at the same time it reflects a reasonable cost for these services. Some factors attributing to the budget increase are a \$17,284 increase in debt service, \$86,406 increase in pension fund contribution, an increase in hospitalization and a loss of \$40,000 in state aid.

John Antonides – the Borough utilizes a zero-based budgeting format. This format requires justification itemizing in detail all funding requests from zero dollars to the amount requested. A zero-based budget ensures more accurate budgeting and eliminates increased spending without detailed justification. 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. State law mandates that the municipal budget must be balanced with revenues equaling appropriations. Main sources of revenue are property taxes, federal & state

grants, state aid, surplus, local revenue and delinquent taxes. The challenges is preparing the budget include loss of \$40,000 in state aid, \$9,000 decrease in construction code revenue and \$20,000 in misc. revenue.

Bob Hulsart, Jr. – the increase here is very low. This speaks well of the Borough and how they handle their finances, how they look at budgeting. Not only this year but previous years and looking ahead. Any governmental budget – before you even start – 80% is fixed with contractual obligations, mandated expenditures, debt service. We're committed to pay these. There is only a small part of the budget with any maneuverability.

Mayor asks if there are any questions or comments from the public?

Marie Kenny asked about the decrease in surplus. Mr. Antonides said there was a decrease in construction fees, misc. revenue which is part of it. Other things include budget appropriations from prior years, tax appeals.

Motion by McGovern seconded by Mahon that the hearing on the 2010 budget is closed.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

WHEREAS, the 2010 budget requires \$3,539,078.00 to be raised in property taxes, and

WHEREAS, a summary of said budget was published in the April 29, 2010 edition of The Coast Star, and

WHEREAS, full copies of said budget are available in the office of the Borough Clerk, and

WHEREAS, a public hearing of said budget has been conducted,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea that it hereby adopts the 2010 Municipal Budget in the amount of \$5,587,945.55.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 5-2010 entitled:

“ **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 161, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH COUNTY, NEW JERSEY. ”**

ARTICLE XII. Schedules.

161-30. Schedule I. No Parking.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lakeside Avenue	Both	From Second Avenue west to end of paved surface.

All other conditions of this ordinance shall remain the same.

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

Motion by Gorman seconded by McGovern that the above Ordinance No. 5-2010 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,

BOND ORDINANCE NO. 6-2010 entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL BEACH IMPROVEMENTS OF THE BOROUGH OF AVON-BY-THE-SEA, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$75,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$71,250 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. 6-2010 be taken up on second reading with a hearing on June 14, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

BOND ORDINANCE NO. 7-2010 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 \$100,000 THEREFOR

**AND AUTHORIZING THE ISSUANCE OF \$95,000
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. 7-2010 be taken up on second reading with a hearing on June 14, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

BOND ORDINANCE NO. 8-2010 entitled:

**“BOND ORDINANCE PROVIDING FOR VARIOUS
CAPITAL IMPROVEMENTS AND ACQUISITIONS
OF THE BOROUGH OF AVON-BY-THE-SEA, MON-
MOUTH, NEW JERSEY, APPROPRIATING THE
AGGREGATE AMOUNT OF \$1,148,661 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$541,262
BONDS OR NOTES OF THE BOROUGH TO FINANCE
PART OF THE COST THEREOF.”**

be introduced on the first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the above Bond Ordinance No. 8-2010 be taken up on second reading with a hearing on June 14, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2009 as been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**GENERAL COMMENTS
RECOMMENDATIONS**

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**GENERAL COMMENTS
RECOMMENDATIONS**

as evidence by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provision of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than on thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Avon-By-The-Sea hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 2010 summer season, effective May 17, 2010.

**Richard Brogley
Frank Ciufu
Lindsey Powell
James VanEtten
Brian MacDonald**

**James Christie
Christopher Powell
Jennifer Vitale
Elizabeth Imbriacco
Kyle Chaffin**

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

RESOLUTION offered by Mahon seconded by McGovern that Patrick McMahon is reappointed as Zoning Official for a one (1) year terms, effective April 13, 2010.

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

RESOLUTION offered by Gorman seconded by McGovern that the Avon Home and School Association is hereby approved to conduct a Raffles drawing to be held at the Avon Elementary School, September 9, 2010 at 2:30 p.m.

**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 2010:

Designated beaches will be open the weekends of:

**May 29th
June 5th
June 12th
Daily June 19th through September 6th inclusive.**

**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 64-3 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 Mahon seconded by McGovern that,

BE IT RESOLVED that the Board of Commissioners do hereby grant a renewal of the Plenary Retail Distribution License No. 1305-44-002-003 to CHARLES A. CASAGRANDE, Jr. T/A CASAGRANDE MARKET at the fee of \$1,425.00. Said license effective July 1, 2010.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern authorizing the Mayor to sign a deed restriction for 2 Main Street, known as the Marina Park Property.

The Vote:

Aye: All

No: None

Mr. Gallagher explained that the above resolution is required by the D.E.P. for our financing of the remediation. It's a deed restriction for recreation.

Motion by McGovern seconded by Gorman that the bills in the amount of \$502,637.13 be approved for payment.

The Vote:

Aye: All

No: None

Mayor asks if anyone would like to be heard?

Someone asked what portion of the Bond Ordinance is grant money and how much does the town put towards it. Mr. Gallagher explained.

Marie Kenny – has spoken with the Commissioners in the past re: the hiring of summer help. Often see 1 or 2 working and others standing around and watching. Budget is tight and feels this needs to be addressed that summer help we are hiring are doing what they should be doing. Mr. Gallagher said he has addressed this issue with the D.P.W. Supt.

Marie Kenny – the town wide yard sale in the spring was very successful. Good way to get rid of things so they don't end up in the garbage. Would town consider having one in the fall also? Mr. Gallagher said he will talk to Doug Carter.

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

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