

REGULAR MEETING – JUNE 14, 2010 – 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 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 May 10, 2010 be approved as written.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the minutes of the meeting of May 24, 2010 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. 6-2010 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 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 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 \$75,000, including the aggregate sum of \$3,750 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 \$71,250 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) Beach Tractor	\$ 54,000	\$51,300	5 years
b) Cushman	\$ 12,000	\$ 11,400	5 years
c) Lifeguard Equipment	\$ 3,000	\$ 2,850	5 years
d) Emergency Pagers	\$ 6,000	\$ 5,700	5 years
Totals:	\$ 75,000	\$ 71,250	

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.

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 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 \$71,250, and the obligations authorized herein will be within all debt limitations prescribed by that law.**
- (d) An aggregate amount not exceeding \$3,000 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 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 of 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. 6-2010 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 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 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 \$100,000, including the aggregate sum of \$5,000 as the down payment 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 \$95,000 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 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) Improvements to Water Treatment Plant	\$10,000	\$9,500	10 years

b) Bobcat Tractor with attachment	\$32,000	\$30,400	5 years
c) Repairs to Water Tower	\$58,000	\$55,100	10 years
Totals:	\$100,000	\$95,000	

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 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:

- (e) 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.
- (f) 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 8.4 years.
- (g) 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 \$95,000, and the obligations authorized herein will be within all debt limitations prescribed by that law.

- (h) An aggregate amount not exceeding \$5,000 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 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. 7-2010 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 Bond Ordinance No. 8-2010 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 \$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 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 \$1,148,661, including \$225,000 in grants received from the NJ Department of Transportation for improvements to Norwood Avenue, \$261,250 in grants received from the U.S. Dept. of Homeland Security for the purchase of a fire truck, \$82,661 in grants received from the NJ Department of Environmental Protection for Marina Park remediation, \$10,000 in grants received from the County of Monmouth for renovations to the recycling center and further including the aggregate sum of \$28,488 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 \$541,262 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) Marina Park Remediation	\$110,661	\$26,600	15 years
b) Recycling Center Impr.	\$ 17,000	\$ 6,650	5 years
c) Norwood Ave. & various road improvements	\$688,000	\$439,850	10 years
d) Fire Dept. Equipment	\$ 3,000	\$ 2,850	5 years
e) Police Antenna	\$ 5,000	\$ 4,750	5 years
f) Fire Truck	\$325,000	\$60,562	10 years
Totals:	\$1,148,661	\$541,262	

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:

- (i) 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.
- (j) 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 10.1 years.
- (k) 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 \$541,262, and the obligations authorized herein will be within all debt limitations prescribed by that law.
- (l) An aggregate amount not exceeding \$90,000 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. 8-2010 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 McGovern seconded by Mahon that,

ORDINANCE NO. 9-2010 entitled:

**“AN ORDINANCE TO AMEND AND SUPPLEMENT
THE 2009 SALARIES OF THE OFFICERS AND
EMPLOYEES OF THE BOROUGH OF AVON-BY-
THE-SEA.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the above Ordinance No. 9-2010 be taken up on second reading with a hearing on June 28, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

ORDINANCE NO. 10-2010 entitled:

**“AN ORDINANCE TO AMEND AND SUPPLEMENT
THE 2010 SALARIES OF THE OFFICERS AND
EMPLOYEES OF THE BOROUGH OF AVON-BY-
THE-SEA.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the above Ordinance No. 10-2010 be taken up on second reading with a hearing on June 28, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

ORDINANCE NO. 11-2010 entitled:

**“ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 64, BEACHES, 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

Motion by McGovern seconded by Mahon that the above Ordinance No. 11-2010 be taken up on second reading with a hearing on June 28, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorize the refund of a 2010 duplicate tax payment to the following:

Block 23 Lot 14.15 First American 521 Ocean Ave. Unit 15 \$1,440.28

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners approve the following change order for Twinn Cedars for the Avon Public Library Retaining Wall & Improvements project: a reduction of \$2,732.00, an addition of \$5,830.00 for a total addition of \$3,098.00 for a new contract price of \$36,398.00.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the bills in the amount of \$466,139.87 be approved for payment.

The Vote:

Aye: All

No: None

Certificates were presented to members of the Girl Scouts of the Jersey Shore Cadet Troop 54, Junior Troop 1606, and Brownie Troop 92, who participated in a Beach Sweep that took place on May 15, 2010. Jeff Bramhall, Supt. of Public Works, said that the girls did a terrific job!

Mayor asks if anyone would like to be heard? No one.

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**