

REGULAR MEETING – JANUARY 11, 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 Gorman seconded by McGovern that the minutes of the meeting of December 14, 2009 be approved as written.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, R.S. 40A:4-19 of the Local Budget Law provides that while any contracts, commitments or payments are to be made prior to the adoption of the 2010 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, 26.25% of the total appropriations in the year 2009 budget, exclusive of any appropriation in the 2009 capital improvements and debt service, is \$315,168.79 in the Beach Utility Budget, \$305,122.91 in the Water Utility Budget and \$998,395.65 in the Current Budget for a total of \$1,618,687.35.

NOW, THEREFORE, BE IT RESOLVED that the temporary appropriations are made and that a certified copy of this resolution be transmitted to the Chief Financial Officer.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, there are unexpended balances of appropriations which are not needed, and other appropriations which will be deficient,

NOW, THEREFORE, BE IT RESOLVED that the following 2009 appropriation transfers be authorized:

FROM: Lifeguards S&W	4,000.00
Gatetenders S&W	1,000.00
Gatetenders O.E.	600.00
Beach Landfill	2,500.00
Beach Police S&W	5,000.00
TO: Beach Hospitalization	13,100.00

FROM: Lifeguards S&W	2,700.00
TO: Beach S&W	2,700.00
FROM: Mayor & Commissioners O.E.	405.00
Environmental O.E.	350.00
Landfill Contract	1,500.00
TO: Hospitalization	2,255.00

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that,

BE IT RESOLVED by the Board of Commissioners that the Official Depositories for the Borough of Avon-By-The-Sea bank accounts for 2010 will be Chase Bank, PNC Bank, Central Jersey Bank, Investor's Savings Bank and Ocean First Bank as well as any other bank that offers a higher percentage rate on investments that the Chief Financial Officer may obtain.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that,

BE IT RESOLVED by the Board of Commissioners that the official newspapers used by the Borough of Avon-By-The-Sea for the year 2010 will be the Asbury Park Press, The Coast Star, and The Coaster.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that,

WHEREAS, the Open Public Meetings Act (CH 231, P.L. 1975) became effective on January 19, 1976, and

WHEREAS, in accordance with said act, it is necessary for the Borough of Avon-By-The-Sea, as a public body, to post and maintain a schedule of the regular meetings of the public body to be held during the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the Municipal Clerk is hereby authorized to do the following:

- 1. Post the schedule of meetings on the bulletin board in Borough Hall, which sets the time, date and location of all regular and workshop meetings. The public as always will be allowed to participate in the regular meetings and a portion of the workshop meetings will be set aside for public comment. Action will only be taken at the regular meetings unless otherwise advertised in advanced.**
- 2. Mail a copy of this resolution and schedule to the official Borough newspapers.**

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that the Board of Commissioners hereby appoint Benjamin Choi as Municipal Prosecutor for the year 2010. This appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and is, therefore, exempt under N.J.S.A. 40A:11-5.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that,

WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Engineer and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and

WHEREAS, Charles J. Rooney has submitted and/or will submit a proposal indicating he will provide engineering services for no more than \$130.00 per hour; and

WHEREAS, Charles J. Rooney has completed and submitted a Business Entity Disclosure Certification which certifies that Charles J. Rooney has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit Charles J. Rooney from making any reportable contributions through the term of the contract, and

WHEREAS, funds will be provided for in the 2010 Municipal Budget,

WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Charles J. Rooney as described herein;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Attorney and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and

WHEREAS, Barry A. Cooke has submitted and/or will submit a proposal indicating he will provide legal services for \$130.00 per hour; and

WHEREAS, Barry A. Cooke has completed and submitted a Business Entity Disclosure Certification which certifies that Barry A. Cooke has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit Barry A. Cooke from making any reportable contributions through the term of the contract, and

WHEREAS, funds will be provided for in the 2010 Municipal Budget,

WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Barry A. Cooke as described herein;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Auditor and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and

WHEREAS, Robert A. Hulsart has submitted and/or will submit a proposal indicating they will provide the municipal auditing for \$26,000.00; and

WHEREAS, Robert A. Hulsart has completed and submitted a Business Entity Disclosure Certification which certifies that Robert A. Hulsart has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit the Robert A. Hulsart from making any reportable contributions through the term of the contract, and

WHEREAS, funds will be provided for in the 2010 Municipal Budget,

WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Robert A. Hulsart as described herein;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that the Mayor and Borough Clerk are hereby authorized to sign an equipment lease agreement between the Borough of Avon-By-The-Sea and the Outdoor Ice Rink Partners, LLC for the lease of a temporary ice skating rink, to be placed at Volunteer Park. Said lease subject to Borough Attorney review and favorable recommendation.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that amendments to Article X, Section 113-47 of the Land Development Ordinance be forwarded to the Planning Board for their review and comments.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by McGovern that the bills in the amount of \$395,074.65 be approved for payment.

The Vote:

Aye: All (Mayor Mahon abstains from P.D. bills)

No: None

RESOLUTION offered by Gorman seconded by McGovern that after receiving a recommendation from the Police Committee, the Board of Commissioners, acting as the appropriate authority of the Police Department, hereby appoint David M. Barry as a regular Police Officer in the Borough of Avon-By-The-Sea. Said appointment will be effective as of the date of his swearing in ceremony.

The Vote:

Aye: All

No: None

Judge Alfred D'Auria swears in David Barry.

Mayor asks if anyone would like to be heard?

Wally French asked about the sand on the beach. Mr. Gallagher explained about moving the sand and piling it up so that there should be plenty of sand for the summer.

Motion by Gorman 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

Francis E. Gorman, Commissioner

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