

REGULAR MEETING – JANUARY 30, 2012 – 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 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 Gorman seconded by Mahon that the minutes of the meeting of January 9, 2012 be approved as written.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 1-2012 entitled:

“ AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, CHAPTER 120, ENTITLED “MUNICIPAL BUILDING USE FEES”.

Would anyone like to be heard on the above ordinance?

Comm. Gorman has concerns that the \$50 fee is too low, should include max. amt. of time, should be specified black-out dates that you can't get married- such as holidays like July 4th and when other events are taking place, should be higher fee for out-of-town users. Would like to recommend that we table this ord. until these items can be discussed.

Doug Carter, Rec. Dir. – ord. is just to try to prevent chaos on the boardwalk when 2 bridal parties show up along with other activities taking place.

Motion by Gorman seconded by Mahon that the fee schedule in the above Ordinance be amended and some written policies drafted before voting.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Bond Ordinance No. 2-2012 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 \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

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

Motion by Gorman seconded by McGovern that the above Bond Ordinance No. 2-2012 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 Ordinance No. 3-2012 entitled:

“ AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, CHAPTER 113, ENTITLED “LAND DEVELOPMENT.”

Would anyone like to be heard on the above Ordinance?

Attorney Hussan Chatter, on behalf of Peter Barbur, 109 Washington Ave. has a witness, Planner James Higgins and a reporter, supplied by Mr. Barbur, in order to create a concise record of this matter. Mr. Higgins was involved with writing of existing Master Plan and Land Development ordinance. There was much discussion on the Master Plan and proposed change.

Mr. Chatter summed up by saying that the proposed zoning amendment does not further any of the zoning purposes of land use. In fact, it negates what the Borough carefully considered in 2006. It’s prudent for the Commissioners not to adopt zoning amendment because it doesn’t further the public interest.

Further discussion took place.

Motion by Mahon seconded by McGovern that the above Ordinance No. 3-2012 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: McGovern, Mahon

No: None

Abstain: Gorman

RESOLUTION offered by Gorman seconded by McGovern that the bid for the Water Storage Tank Rehabilitation be awarded to U.S. Tank Painting, Inc., Millstone Twp., NJ as the lowest bidder in the amount of \$399,000.00.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that,

WHEREAS, the Township of Neptune has established a Prisoner Processing and Holding System in its Police Department, and

WHEREAS, the Township of Neptune and the Borough of Avon-By-The-Sea desire to enter into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. to allow the Borough to utilize the Township Prisoner Processing and Holding System to process prisoners from the Borough in accordance with standards set by the New Jersey State Attorney General, and

WHEREAS, this Interlocal Service Agreement shall be automatically renewed on an annual basis on the anniversary date of the signing of said Agreement for a term of five (5) years.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Avon-By-The-Sea hereby authorizes the execution of an Interlocal Services Agreement with the Township of Neptune, a copy of which is on file in the Office of the Municipal Clerk, which authorizes the Borough to utilize the Township's Prisoner Processing and Holding System for Borough prisoners.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman authorizing the Borough Administrator to hire A.C. Schultes, Woodbury Hts., NJ to redevelop and refurbish existing well #1 for a cost not to exceed \$83,325.00. A.C. Schultes is being hired as an emergency award after the Borough Administrator having received a report from the Borough Engineer, consultation with the Borough Attorney and receipt of certification of funds from the Chief Financial Officer.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$960,609.39 be approved for payment.

The Vote:

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

No: None

Mayor asks if anyone would like to be heard?

Jen Barbur, 220 Lincoln Ave. – would like to know the justification for Comm. McGovern & Mayor's vote on the Land Development ord. Mayor Mahon said that "the reason I voted the way I did is that we had language that needed to be clarified and I thought that clarified it."

More discussion took place regarding the land development ordinance.

Motion by Gorman seconded by McGovern 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**