

REGULAR MEETING – JANUARY 9, 2012 – 7:30 P.M.

Borough Clerk calls meeting to order.

Pledge of Allegiance.

Borough Clerk reads the following statement:

This is a regular meeting for the 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.

The following are the results of the Municipal Election held on November 8, 2011, as certified by the Municipal Clerk, said statement is on file in my office.

ROBERT MAHON	365
ROBERT MCGOVERN	344
FRANCIS GORMAN	337

Timothy M. Gallagher, Borough clerk, will administer the Oath of Allegiance and Public Office to the newly elected Board of Commissioners.

RESOLUTION offered by Mahon seconded by Gorman that,

BE IT RESOLVED that Robert P. McGovern be and he is hereby appointed DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS, PARKS AND PUBLIC PROPERTY. There is hereby assigned to and vested in said Department of Public Works, Parks and Property the Executive, Administrative, Legislative and Judicial Powers, duties and authority relating to road Repairs and Maintenance of Curbs, Public Buildings and Grounds, Garbage and Trash Removal, Playgrounds, Beaches, Street and Boardwalk Lighting, Shade Trees, Sanitary Landfill, Municipal Pool and Fire Department.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

THAT, Robert Mahon be and he is appointed DIRECTOR OF THE DEPARTMENT OF REVENUE AND FINANCE. There is hereby assigned to and vested in said Department of Revenue and Finance the Executive, Administrative, Legislative and Judicial Powers, duties and authority relating to the Collection and Assessment of Taxes, Water and Sewer Departments, Audits, Tax Sales, Inspection of Hotel and Rooming Houses, Construction Code Office, Plumbing and Fire Inspectors, Insurance, Beach and Pool Badges, Cashiers, Gate Attendants, Public Assistance, Recreation, the Public Library and Legal Services.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

THAT, Francis E. Gorman be and he is hereby designated and appointed DIRECTOR OF PUBLIC AFFAIRS AND SAFETY. There is hereby designated to and vested in said Department of Public Affairs and Safety the Executive, Administrative, Legislative and Judicial Powers, Duties and Authority relating to the Police Department, Elections, Emergency Management, Board of Health and Animal Regulations, Lifeguards, and the Municipal Court.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

BE IT RESOLVED that Robert Mahon be and he is hereby designated MAYOR of the BOROUGH OF AVON-BY-THE-SEA and the presiding officer of all meetings of the Board of Commissioners.

The Vote:

Aye: All

No: None

Roll Call: Commissioner McGovern, Commissioner Gorman, Mayor Mahon

Motion by McGovern seconded by Gorman that the minutes of the meeting of December 12, 2011 be approved as written.

The Vote:

Aye: All

No: None

As per discussion in the Caucus Meeting, no action will be taken on the Ordinance No. 10-2011, Bond Ordinance No. 11-2011 and Ordinance No. 12-2011.

RESOLUTION offered by McGovern seconded by Mahon that,

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”.

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the above Ordinance No. 1-2012 be taken up on second reading with a hearing on January 23, 2012 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

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.”

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the above Bond Ordinance No. 2-2012 be taken up on second reading with a hearing on January 23, 2012 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

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.”

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the above Ordinance No. 3-2012 be taken up on second reading with a hearing on January 23, 2012 at 7:30 p.m. in the Municipal Building.

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 2012 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 2011 budget, exclusive of any appropriation in the 2011 capital improvements and debt service, is \$390,000.00 in the Beach Utility Budget, \$360,000.00 in the Water Utility Budget and \$1,325,000.00 in the Current Budget for a total of \$2,075,000.00.

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,

BE IT RESOLVED that upon the recommendation of the Borough of Avon-By-The-Sea Tax Collector:

1. There shall be a ten (10) day grace period on the quarterly taxes, after which unpaid taxes will be charged interest back to the due date.
2. Interest shall be charged and calculated at the rate of eight (8)% per annum on the first \$1,500.00 of the delinquency, and eighteen (18)% per annum on any amount in excess of \$1,500.00 calculated from the date the tax was payable until the actual payment is received until all of the delinquencies on a property are brought to a current status.
3. There shall be a six (6)% penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year. Delinquency is defined to mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters.
4. Redemption fees for Tax Sale Certificates are as follows:
 - Two (2)% on certificates \$200.00 to \$4,999.99
 - Four (4)% on certificates \$5,000.00 to \$9,999.99
 - Six (6)% on certificates over \$10,000.00
5. A service charge of \$20.00 will be charged for each returned check, used to make any payment to the Borough of Avon-By-The-Sea, for any reason specified by a financial institution.
6. A fee of \$5.00 will be charged for the first duplicate copy of the tax bill requested by a mortgage servicing organization and a fee of \$25.00 will be charged to each subsequent duplicate copy of the same bill in the same tax year.
7. All tax sale certificate redemption amounts shall be obtained from the Tax Collector. In addition, a \$25.00 fee will be charged for each additional request for a redemption.
8. There shall be a fee of \$100.00 for the issuance of a duplicate tax sale certificate.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

BE IT RESOLVED by the Board of Commissioners that the Official Depositories for the Borough of Avon-By-The-Sea bank accounts for 2012 will be Chase Bank, PNC Bank, Central Jersey Bank - a Division of Kearny Federal Savings, Investor's Savings Bank, Ocean First Bank and Bank of America 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 McGovern seconded by Mahon 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 2012 will be the Asbury Park Press, The Coast Star, and The Coaster.

The Vote:

Aye: ____

No: ____

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

Michele Darling	Deputy Borough Clerk	1 year term	End 12/31/12
Jeff Bramhall	Recycling Coordinator	1 year term	End 12/31/12
Douglas Carter	Recreation Director	1 year term	End 12/31/12

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the following appointments to the Planning Board be made:

Sandra McLaughlin	Alternate #3	2 year term	End 12/31/13
Jack Ryan	Class IV	4 year term	End 12/31/15

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the following appointments to the Environmental Commission be made:

Edward Bonanno	3 year term	End 12/31/14
Michael Caringi	2 year term	End 12/31/13
Phillip Fannan	2 year term	End 12/31/13
Scottie Franklin	3 year term	End 12/31/14

John Moore	1 year term	End 12/31/12
Laurie Moore	1 year term	End 12/31/12
Jack Ryan	3 year term	End 12/31/14

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the following be appointed as Class II Police Officers:

Brian MacDonald Kevin Stroebel John Rowley

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby appoint Benjamin Choi as Municipal Prosecutor for the year 2012. 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 Mahon seconded by McGovern 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 \$135.00 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 2012 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 Mahon seconded by McGovern 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 2012 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 McGovern seconded by Mahon 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 2012 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 McGovern seconded by Mahon 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 2011 appropriation transfers be authorized:

FROM: Fire Bureau O.E.	611.00
Recreation O.E. – Playground	470.00
TO: Construction Code O.E.	1,081.00
FROM: Beach Police S&W	2,800.00
TO: Gasoline	1,300.00
Diesel Fuel	1,500.00
FROM: Sylvan Lake O.E.	2,000.00
TO: Public Bldgs. O.E.	2,000.00
FROM: Beach Public Bldgs. S&W	1,900.00
Beach Landfill	2,400.00
TO: Beach S&W	4,300.00

The Vote:

Aye: All

No: None

RESOLUTION offered by _____ seconded by _____ 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: ___ As discussed in the Caucus meeting, no action will

No: ___ be taken on this resolution.

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby approve an application for a Red Light Permit for Calvin C. Talmage, Deputy Fire Chief.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$591,526.71 be approved for payment.

The Vote:

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

No: None

Supervisor's reports:

Jeff Bramhall, DPW Supt. – Woodland Ave. boardwalk should be back together in next day or two. Will then move down to Lincoln Ave.

Doug Carter, Rec. Dir. – basketball under way – about 120 kids from Avon are involved; Leisure group is up to about 80 members; Avon pond is going well, running more efficiently this year, have sold over 400 badges.

Charlie Rooney, Engineer – sewer rehab project has started; bids for 3rd & 4th Ave. rehab project going out to bid on Feb. 9th.

Lt. Mike Pelech, Avon P.D. – dispatch will be leaving very soon, all calls will be handled by Monmouth County Radio room.

Karl Klug, Water Supt. – reminded everyone to shut off outdoor water like showers and hoses before they freeze and break.

Mayor asks if anyone would like to be heard?

Janet Skribner, 432 Jefferson Ave. – asked about weddings on the boardwalk. The Mayor said that it is done now, this just formalizes it and puts some order to it. Comm. Gorman said that the public hearing will be held at the next meeting and invited Ms. Skribner to be heard at that time for further discussion.

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**