

**REGULAR MEETING – MARCH 12, 2012 – 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 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.**

**Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 4-2012 entitled:**

**“ AN ORDINANCE AMENDING CHAPTER 168,  
ENTITLED “WATER”, OF THE CODE OF THE  
BOROUGH OF AVON-BY-THE-SEA, IN THE  
COUNTY OF MONMOUTH, NEW JERSEY.”**

**BE IT ORDAINED that Chapter 168 is amended as follows:**

**168-20. Annual Minimum Charge.**

- A. An annual minimum charge of three hundred dollars (\$300.00) shall be made for each unit, which minimum charge shall pay for the first fifteen thousand (15,000) gallons or less of water consumed per billing period (semi-annually) and the annual service charge for a three-fourths (3/4) inch meter. If application for the installation of a meter is made subsequent to the first semi-annual billing period, the annual minimum charge of three hundred dollars (\$300.00) shall be paid upon application for the meter and before the installation thereof. “Unit” as used herein shall include any dwelling, store, residential or commercial use, apartment, dwelling unit or as determined by the Water Department. For the purpose of this chapter, “dwelling unit” shall mean any room or group of rooms, or any part thereof, located within a building and forming a single habitable unit with facilities which are used, or designed to be used, for living, sleeping, cooking and eating.**
- B. Water consumed in excess of fifteen thousand (15,000) gallons per billing period (semi-annually) shall be charged at the rate of two dollars and ninety five cents (\$2.95) per thousand gallons.**

**All other terms and conditions of this ordinance will remain in effect.**

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

**Motion by McGovern seconded by Mahon that the above Ordinance No. 4-2012 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. 5-2012 entitled:**

**“ AN ORDINANCE AMENDING CHAPTER 136, ENTITLED “SEWERS”, OF THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, IN THE COUNTY OF MONMOUTH, NEW JERSEY.”**

**136.27. Annual Sewer Rental.**

**There is hereby imposed an annual sewer rental charge for use, occupation, maintenance and construction of the sewers and sewerage system and disposal facilities in the Borough of Avon-By-The-Sea, upon the owners of the properties served thereby at the rates hereinafter set forth. An annual minimum charge of three hundred dollars (\$300.00) shall be made for each unit. This shall be used for payment of debt service. An additional charge of two dollars and ninety five cents (\$2.95) for each one thousand (1,000) gallons of water consumption shall be charged to each unit in addition to the basic minimum sewerage charge.**

**All other terms and conditions of this ordinance shall remain in effect.**

**Would anyone like to be heard on the above ordinance?**

**Someone asked about the difference of water & sewer costs? Mayor explained that the sewer cost is dictated by the water cost. In addition to the increase in the water cost, with the sewer, we've been doing a lot of work in the lanes – incurring cost with pigging of the lines and camera work – to identify problems and repair them. Our auditor has been telling us for the last couple of years that we should be increasing the costs. We didn't do that – we used a lot of our surplus funds. We haven't had an increase in water/sewer rates since 2004. We've reached a point where we're not in a position to continue supplementing that cost. We do look at other towns and we are still lower than many of them. We feel the service provided is a solid service and that it's a reasonable increase.**

**Mr. Gallagher added that if the average consumption is used, this rate increase is about \$118 per year.**

**Motion by McGovern seconded by Mahon that the above Ordinance No. 5-2012 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 Bond Ordinance No. 6-2012 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 \$180,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$171,000 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. 6-2012 be taken up on second reading with a hearing on March 26, 2012 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. 7-2012 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 taken up on first reading.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by McGovern seconded by Mahon that the above Bond Ordinance No. 7-2012 be taken up on second reading with a hearing on March 26, 2012 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. 8-2012 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 \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”**

**be taken up on first reading.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by McGovern seconded by Mahon that the above Bond Ordinance No. 8-2012 be taken up on second reading with a hearing on March 26, 2012 at 7:30 p.m. in the Municipal Building.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Mahon that,**

**WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and**

**WHEREAS, the County of Monmouth expects to receive an allocation for FY 2012 from the United States Department of Housing and Urban Development; and**

**WHEREAS, the County of Monmouth has submitted its Annual Plan for FY2012 to the U.S. Department of Housing and Urban, which included a project hereinafter referred to as Borough of Avon with a grant allocation of \$132,841.00.**

**WHEREAS, the Borough of Avon hereby met all the requirements for the release of funds to begin incurring costs for this project; and**

**WHEREAS, the Borough of Avon has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.**

**NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk of the Borough of Avon authorized to execute with the County of Monmouth the attached Project Agreement.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by McGovern that,**

**WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and**

**WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2012; and**

**WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and**

**WHEREAS, it is required that the Borough of Avon execute a project agreement with Monmouth County to undertake a project known as Riverfront Park Building Handicap Access, and**

**WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Avon sign additional certifications in order to receive these funds; and**

**WHEREAS, the Borough of Avon has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and**

**WHEREAS, a copy of that policy is attached to and made part of this resolution.**

**NOW, THEREFORE, BE IT RESOLVED, that the Borough of Avon has met the conditions of receiving a FY 2012 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.**

**BE IT FURTHER RESOLVED, that the Mayor of the Borough of Avon is hereby authorized to sign the attached certifications which will become part of the FY 2012 Project Agreement.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby approve the following due dates of the cycle one (whole town) accounts for the first half 2012 water/sewer billings:**

**First Quarter 2012 due May 1, 2012**

**Second Quarter 2012 due June 1, 2012**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorize the refund of 2012 property tax overpayments to the following:**

**Block 26 Lot 8 Haveron 405 Sylvania Avenue \$364.90**

**The Vote:**

**Aye: All**

**No: None**

**Motion by McGovern seconded by Mahon that the bills in the amount of \$210,821.15 be approved for payment.**

**The Vote:**

**Aye: All**

**No: None**

**Mayor asks if anyone would like to be heard?**

**Supervisors:**

**Lt. Haar – dispatch moving forward positively with the County. Bldg. renovations moving along well. 2 Class II specials started at the academy in February.**

**Karl Klug – work on water tower coming along. Work inside tank is finished.**

**Charlie Rooney – working on well #1 – will be ready for summer. Road project on 3<sup>rd</sup> & 4<sup>th</sup> Ave. is moving along and should be done by Memorial Day.**

**Jeff Bramhall – working on beach. Cautioned people to careful of heavy equipment if on beach.**

**Barry Cooke – Barbur case being heard next Tuesday.**

**Marie Kenny – 2 cans with leaves & brush? (Unable to hear response).**

**Motion by McGovern seconded by Mahon that being there is no further business, the meeting be adjourned.**

**The Vote:**

**Aye: All**

**No: None**

---

**Robert Mahon, Mayor**

---

**Robert P. McGovern, Commissioner**

---

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