

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

Pledge of Allegiance.

Roll Call: Commissioner McGovern, Commissioner Gorman

Absent: 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 McGovern seconded by Gorman that the minutes of the meeting of February 27, 2012 be approved as written.

The Vote:

Aye: All

No: None

Mayor announces that an application has been received for the renewal of the Seasonal Retail Consumption License for the Avon Hotel Corp., 601 Ocean Avenue.

Are there any objections to this license renewal? No one.

RESOLUTION offered by Gorman seconded by McGovern that,

BE IT RESOLVED that the Board of Commissioners do hereby approve the renewal of the Seasonal Retail Consumption License No. 1305-34-004-003 for the Avon Hotel Corp., T/A the Columns at the fee of \$1,500.00 effective May 1, 2012 with the following conditions:

- 1. No amplifiers inside or outside that disturb neighbors.**
- 2. No interior or exterior lighting be directed at neighbors.**
- 3. No loud music.**
- 4. No additional bars shall be constructed on premises.**
- 5. The following dress code shall be enforced: No bathing suits after 7:00 p.m.**
- 6. Any recommendations of the Fire Inspector and/or Hotel/Rooming House Inspector are complied with.**
- 7. The Board of Commissioners have the right to restrict the operation of the porch.**
- 8. Alcoholic beverages served with food service only on the porch. No new porch seating after 10:00 p.m. All porch service ceased by 11:00 p.m.**
- 9. Raw bar/grille room will provide food & bar service as per submitted plans to the Borough.**

10. Licensee must establish and maintain a smoking area outside their establishment on their own property. A map of said area must be submitted to the Borough office for approval.

The Vote:

Aye: All

No: None

Mayor announces that an application has been received for the renewal of the Seasonal Retail Consumption License for the Norwood Inn, 618 Second Avenue.

Are there any objections to this license renewal? No one.

RESOLUTION offered by Gorman seconded by McGovern that,

BE IT RESOLVED that the Board of Commissioners do hereby approve the renewal of the Seasonal Retail Consumption License No. 1305-34-001-004 for the Key East, Inc., T/A the Norwood Inn, at the fee of \$1,500.00 effective May 1, 2012 with the following conditions:

1. No amplifiers inside or outside that disturb neighbors.
2. No interior or exterior lighting be directed at neighbors.
3. No loud music.
4. No additional bars shall be constructed on premises.
5. Patio bar hours restricted to 11:00 a.m. to 9:00 p.m.
6. The Norwood Avenue door to be used as an Emergency Exit only.
7. The following dress code shall be enforced: No bathing suits after 7:00 p.m.
8. Any recommendations of the Fire Inspector and/or Hotel/Rooming House Inspector are complied with.
9. Licensee must establish and maintain a smoking area outside their establishment on their own property. A map of said area must be submitted to the Borough office for approval.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that Realty Appraisal Co., West New York, NJ, is hereby awarded the contract for the Reassessment of the Borough of Avon-By-The-Sea in the amount of \$44,000.00.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorize the Mayor to sign a change order for the contract with DeFino Contracting, Norwood Avenue Improvements project for a reduction in the amount of \$60,407.45, an addition in the amount of \$55,697.93 for a total change in the amount of -\$4,709.52 and a revised contract amount of \$680,014.52.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, N.J.S.A. 54:4-91.1, and as amended by P.L. 1991 C. 75, requires the collector to submit to the governing body on or before May 1st annually, a list of uncollectible taxes for the year 2011 for cancellation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Avon-by-the-Sea, County of Monmouth, State of New Jersey, hereby authorizes and directs the cancellation of the following taxes for 2011: None

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and Tax Assessor.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that,

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protections promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2011 will memorialize commitment of this municipality to recycling and indicate assent of the Board of Commissioners to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New

Jersey Department of Environmental Protection, Office of Recycling and designates Jeff Bramhall to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, the Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that the Borough of Avon-By-The-Sea hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2011 in the amount of \$4,405.05. Documentation supporting this submission is available at 301 Main Street and shall be maintained for no less than five years from this date.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the Avon Home & School Assn. be approved for a Raffles License to be held on Sept. 6, 2012 at 2:30 p.m. at the Avon Elementary School.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the Belmar PTO be approved to hold a 50/50 Raffles License to be held on April 27, 2012 6:30-11:00 p.m. at The Columns, 601 Ocean Ave., Avon.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the Belmar PTO be approved to conduct a Casino Night to be held on April 27, 2012 at 6:30-11:00 p.m. at the Columns, 601 Ocean Ave., Avon.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$916,663.69 be approved for payment.

The Vote:

Aye: All

No: None

Dept. Heads:

Chief Mahon – Yield to Pedestrian & Stop signs will be out soon; Class I & II officers have been hired; prescription drug drop-off taking place again on April 28th between 9 am – 3 pm at Police Dept.

Karl Klug – work taking place on water tower.

Jeff Bramhall – DPW getting ready for summer.

Charlie Rooney – well #1 DEP permit this week, should be on line by May 7th.

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

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

The Vote:

Aye: All

No: None

Robert P. McGovern, Commissioner

Francis E. Gorman, Commissioner

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