

REGULAR MEETING – AUGUST 8, 2011 – 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 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 July 11, 2011 be approved as written.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that,

ORDINANCE NO. 8-2011 entitled:

**“ AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 93 OF THE BOROUGH OF AVON-BY-
THE-SEA, MONMOUTH COUNTY, NEW JERSEY,
ENTITLED “DOGS AND OTHER ANIMALS”.**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by McGovern that the above Ordinance No. 8-2011 be taken up on second reading with a hearing on August 22, 2011 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

ORDINANCE NO. 9-2011 entitled:

**“ AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 161 OF THE BOROUGH OF AVON-BY-
THE-SEA, MONMOUTH COUNTY, NEW JERSEY,
ENTITLED “VEHICLES AND TRAFFIC”.**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the above Ordinance No. 9-2011 be taken up on second reading with a hearing on August 22, 2011 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorizes the refund of a 2011 duplicate tax payment to the following:

Block 26 Lot 18 Christopher Amato 416 Garfield Ave. \$1,970.79

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorizes the extension of the 3rd quarter 2011 property tax grace period to August 26, 2011.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorizes the cancellation of the lawn sprinkler unit (1 unit water) and refund charges in the amount of \$145.00 for the period of January 1, 2011 to June 30, 2011, as the account is inactive, and has been disconnected at the curb for the following account:

Block 42 Lot 1 A/C #798-1 43 Main Street Lawn Refund \$145.00

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the Board of Commissioners hereby authorize the refund of taxes and,

WHEREAS, a successful State Tax Court Appeal judgment for Docket No. 012759-2009 was entered on June 17, 2011 for the tax year 2009 and awarded to Block 35, Lot 6.05, 401 Ocean Avenue, assessed to Martin, Michelle M. and,

WHEREAS, the assessed value changed for 2009 by a 444,000.00 reduction to an assessment of 2,550,000.00, resulting in an overpayment of taxes of \$4,200.24 and,

WHEREAS, statutory interest on the refund is waived by the taxpayer provided the refund is paid within 60 days of the date of entry of the Judgment pursuant to N.J.S.A 54:3-27-2 and,

WHEREAS, the refund as a result of the settlement set forth herein is to be made payable to Ernest Bongiovanni, Esq., as attorney for Michelle M. Martin, 2405 State Highway 71, P.O. Box 200, Spring Lake Heights, NJ 07762 and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Avon-by-the-Sea, that the Tax Collector be and is hereby authorized to refund the 2009 taxes on Block 35, Lot 6.05, in the amount of \$4,200.24, due to the successful State Tax Court Appeal.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, the Board of Commissioners has received a letter requesting that a portion of Marine Place from Sylvania Lane to Sylvania Avenue be blocked off for the purpose of holding an “anniversary celebration”, and

WHEREAS, it is the judgment of the Board of Commissioners that such events promote the general welfare and “spirit” of the community, and

WHEREAS, granting such a request is within the authority of the Board of Commissioners,

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. That a portion of Marine Place from Sylvania Lane to Sylvania Avenue may be blocked for the purpose of conducting an “anniversary celebration” on August 20th and 21st between the hours of 7:00 a.m. and 6:00 p.m. The blocking of the street may not exceed these hours.**
- 2. The blocking shall be accomplished by the use of “street horses” or such other method in the discretion of the Chief of Police, which are clearly visible in the prevailing lighting conditions and which provide acceptable protection to avoid entry into the street by any motor vehicles.**
- 3. The organizers of said event must contact each and every property owner, and/or tenant with property touching on said portion of the street.**
- 4. In the conducting of said event, all statutes, ordinances and applicable regulations and laws must be complied with. This includes, but is not limited to those statutes, ordinances, regulations and laws pertaining to the sale and consumption of alcoholic beverages and the control of noise.**

5. **This resolution is subject to the approval of the Police Department.**
6. **The organizers are responsible to insure that the street is clean and free of debris following the event.**

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, the Board of Commissioners has received a letter requesting that Fifth Avenue between Garfield Avenue and Lincoln Avenue be blocked off for the purpose of holding a “Peach Festival”, and

WHEREAS, it is the judgment of the Board of Commissioners that such events promote the general welfare and “spirit” of the community, and

WHEREAS, granting such a request is within the authority of the Board of Commissioners,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. **That Fifth Avenue between Garfield and Lincoln Avenue may be blocked for the purpose of conducting a “Peach Festival” on August 20th between the hours of 1:00 p.m. to 4:00 p.m. The blocking of the street may not exceed these hours.**
2. **The blocking shall be accomplished by the use of “street horses” or such other method in the discretion of the Chief of Police, which are clearly visible in the prevailing lighting conditions and which provide acceptable protection to avoid entry into the street by any motor vehicles.**
3. **The organizers of said event must contact each and every property owner, and/or tenant with property touching on said portion of the street.**
4. **In the conducting of said event, all statutes, ordinances and applicable regulations and laws must be complied with. This includes, but is not limited to those statutes, ordinances, regulations and laws pertaining to the sale and consumption of alcoholic beverages and the control of noise.**
5. **This resolution is subject to the approval of the Police Department.**
6. **The organizers are responsible to insure that the street is clean and free of debris following the event.**

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$1,563,474.40 be approved for payment.

The Vote:

Aye: All

No: None

Mayor asks if anyone would like to be heard?

Department Head reports:

Sheila Watson, Librarian – thanked volunteers and D.P.W. for help with the book fair. Made \$4,000. Looking into upgrading the A/C in the library basement with the funds. Having a great insect show on Wed. in the pavilion. Has a fact sheet available explaining the library item on the tax bill.

Jeff Bramhall, D.P.W. Supt. – do not rake leaves in a pile and leave in the street. We have no way of picking them up this time of year. Just leave and the street sweeper will get them. We are just about done making the repairs in the lanes that we can. We've put down about 3 tons of asphalt per lane.

Terry Mahon, Police Chief – made an arrest in an attempted motorcycle theft. Arrested a person for damages to 5 cars. Graffiti on water tower – have a suspect.

David Schneck, Belmar – Libertarian Party candidate, distributed a resolution he would like the Commissioners to consider passing.

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**