

REGULAR MEETING – AUGUST 13, 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.

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby approve a change order for the contract with U.S. Tank Painting, Inc, Water Storage Tank Rehabilitation project for a reduction in the amount of \$26,500.00, additions in the amount of \$9,400.00 for a total change of \$17,100.00 and a revised contract amount of \$381,900.00.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

WHEREAS, the owners of Block 34 Lot 8, 101 Sylvania Avenue, Avon-by-the-Sea, N.J. has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:

<u>2011 Assessment from Tax Duplicate</u>	<u>Tax Court Judgment</u>
960,400.00 LAND	960,400.00 LAND
1,440,500.00 IMPROVEMENTS	1,289,600.00 IMPROVEMENTS
<u>2,400,900.00 TOTAL ASSESSMENT</u>	<u>2,250,000.00 TOTAL ASSESS.</u>

\$24,177.06 taxes paid 2011

\$22,657.50 taxes due 2011

WHEREAS, this has resulted in their overpaying the property tax for the year 2011 in the amount of \$1,519.56 and,

WHEREAS, the Stipulation reflects that the 2012 assessment be reduced to \$2,150,000.00 and,

WHEREAS, they have been awarded this judgment and therefore are entitled to a refund,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Avon-by-the-Sea, that the Tax Collector be authorized to

refund the overpayment of \$1,519.56 for the year 2011 to the owner of record The Dolan Family Trust.

MAIL VOUCHER TO:

**Thomas E. & Marie B. Dolan
C/O Joel M. Meyers, Esq.
37 Beach Road
Monmouth Beach, NJ 07750**

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon 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, it is recognized that such social events must be carefully planned and conducted so as to avoid injury, inconvenience or other types of harm, 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 18th and 19th, 2012 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 Mahon seconded by McGovern 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:

3. **That Fifth Avenue between Garfield Lane and Garfield Avenue may be blocked for the purpose of conducting a “Peach Festival” on August 18th between the hours of 12:00 noon & 5:00 p.m. The blocking of the street may not exceed these hours.**
4. **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.**
5. **The organizers of said event must contact each and every property owner, and/or tenant with property touching on said portion of the street.**
6. **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.**
7. **This resolution is subject to the approval of the Police Department.**
8. **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 Mahon that a Raffle License for a Gift Auction to be held on October 27, 2012 from 6:00-10:00 p.m. at The Norwood Inn, 618 Second Ave., Avon, be approved for the Avon Home & School Assoc.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that a Raffle License for a Casino Night to be held on September 28, 2012 from 7:30-11:30 p.m. at The Columns, 601 Ocean Ave., Avon, be approved for the Manasquan Elementary School PTO.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that a Raffle License for a Gift Auction to be held on September 28, 2012 from 7:30-11:30 p.m. at The Columns, 601 Ocean Ave., Avon, be approved for the Manasquan Elementary School PTO.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the bills in the amount of \$1,940,835.63 be approved for payment.

The Vote:

Aye: All

No: None

Mayor announces that the Central Jersey Blood Center will be holding a blood drive on Tues., Aug. 21st from 6:00 pm to 9:00 pm in the rear of the Municipal Building.

Dept. Head's reports:

Jeff Bramhall, DPW Supt. – hot-patching pot holes.

Karl Klug, Water Supt. – work on Well #1 proceeding.

Charlie Rooney, Engineer – (inaudible)

Terry Mahon, Police Chief – lock up bikes, Night out (most inaudible)

Mayor asks if anyone would like to be heard?

Jean Spiotta – boardwalk looks great, but metal garbage cans look bad and bathroom doors open all the time. Umbrellas should be blue.

Linda Henderson asked about part-time employees receiving benefits. Mr. Gallagher said they are not receiving benefits (health care ins., etc.). When they (Borough Attorney and Borough Prosecutor) were put into the system when they were hired, they were allowed to be in it. The prosecutor was already in it when we hired him. A pension reform bill was passed in 2008 and it said that outside consultants were not to be in the pension system. We did not consider the Borough Attorney and Prosecutor to be outside consultants, they were salaried employees and they met the salary threshold to be in the system. In 2009 the state did an audit of 58 municipalities. It took 2 years to do. The state considered the attorney and prosecutor to be outside contractors, so we took them out of the system retroactively to 2008. In the final report from the state received 2-3 weeks ago, it states that Avon has complied.

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

The Vote:

Aye: All

No: None

Robert Mahon, Mayor

Robert P. McGovern, Commissioner

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