

REGULAR MEETING – AUGUST 24, 2009 – 7:30 P.M.

Pledge of Allegiance.

Roll Call: Commissioner McGovern, Commissioner Gorman, 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 McGovern seconded by Mahon that the minutes of the meeting of August 10, 2009 be approved as written.

The Vote:

Aye: ____

No: ____

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 13-2009 entitled:

**“ AN ORDINANCE AMENDING CHAPTER 123,
ENTITLED “NOISE” OF THE CODE OF THE
BOROUGH OF AVON-BY-THE-SEA, MON-
MOUTH COUNTY, NEW JERSEY. ”**

123-4. Enumeration of unnecessary noises.

- I. Power mowers and power tools. The operation of a power mower or any other garden power tool on Sunday before the hour of 12:00 noon and after the hour of 5:00 p.m. and Monday through Saturday before 8:00 a.m. and after 8:00 p.m. Use of power mowers and power tools by contractors or persons other than the owner or occupant of resident property on Sunday is prohibited.**

Would anyone like to be heard on the above ordinance?

Linda Henderson asked for the ordinance to be read out loud. Mr. Gallagher did so. Much discussion took place regarding the 8:00 p.m. ending time vs. 6:00 p.m. ending time. Mrs. Henderson feels 8:00 p.m. is too late.

Motion by McGovern seconded by Gorman that the above Ordinance No. 13-2009 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: McGovern, Gorman

No: None

Abstain: Mahon

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby approve the following due dates of the cycle one and four (whole town) accounts for the second half 2009 water/sewer billing:

Third Quarter 2009 due October 1, 2009

Fourth Quarter 2009 due December 1, 2009

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the Board of Commissioners hereby approve the extension of the grace period for the August 1, 2009 (3rd 1/4) property tax to September 11, 2009.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Mayor is hereby authorized to sign a deed of Open Space Easement for 2 Main Street, Block 43.02, Lot 1 between the Borough of Avon-By-The-Sea and the County of Monmouth.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorize the Mayor to sign a change order for the contract with CFM Construction, Inc., Settling Tank Rehabilitation project for an addition of \$9,365.00 and a reduction of \$10,000.00 for a revised amount of \$252,165.00.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorize the Mayor to sign change order #1 for the contract with Lucas Construction Group, Inc., Norwood Avenue Improvements - Phase I project for a revised completion date, at no cost to the Borough, of Friday, November 6, 2009.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$1,237,914.30 be approved for payment.

The Vote:

Aye: All (Mayor abstains from Pol. Dept. bills)

No: None

Mayor asks if anyone would like to be heard?

Linda Henderson – wants issue of noise ordinance be revisited. (Unable to hear most of what is said by Mrs. Henderson on the tape). Wants limit of 6:00 p.m. Will discuss at next caucus.

Motion by McGovern seconded by Gorman 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**