

REGULAR MEETING – SEPTEMBER 13, 2010 – 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 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 9, 2010 be approved as written.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the minutes of the meeting of August 23, 2010 be approved as written.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

ORDINANCE NO. 12-2010 entitled:

**“ORDINANCE CREATING A NEW CHAPTER 144,
ENTITLED “DUMPSTERS AND OTHER REFUSE CON-
TAINERS THAT ARE OUTDOORS OR EXPOSED TO
STORMWATER” IN THE CODE OF THE BOROUGH
OF AVON-BY-THE-SEA, MONMOUTH COUNTY,
NEW JERSEY.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the above Ordinance No. 12-2010 be taken up on second reading with a hearing on September 27, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

ORDINANCE NO. 13-2010 entitled:

**“ORDINANCE CREATING A NEW CHAPTER 145,
ENTITLED “PRIVATE STORM DRAIN INLET
RETROFITTING” IN THE CODE OF THE BOROUGH
OF AVON-BY-THE-SEA, MONMOUTH COUNTY,
NEW JERSEY.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the above Ordinance No. 13-2010 be taken up on second reading with a hearing on September 27, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

WHEREAS, the Borough of Avon-By-The-Sea, in the County of Monmouth, State of New Jersey (the “Local Unit”), has previously authored the issuance of bonds or notes to finance the costs of various capital improvements (the “Local Unit Projects”); and

WHEREAS, the Local Unit desires to issue bonds to refund the bonds that were issued to permanently finance the Local Unit Projects; and

WHEREAS, the Local Unit has reviewed the Bond Financing Program proposed by The Monmouth County Improvement Authority (the “MCIA”), whereby the Local Unit would issue Refunding Bonds (collectively, the “Local Unit Bonds”) through the Bond Financing Program of the MCIA; and

WHEREAS, the Local Unit believes that participation in the MCIA’s Bond Financing Program will benefit the Local Unit due to reduced interest costs as a result of a guaranty by the County of Monmouth, State of New Jersey (the “County Guaranty”) on the debt service of the MCIA Bond Financing Program; and

WHEREAS, the Local Unit further believes that any savings the Local Unit can achieve for its taxpayers, especially during this time of economic crisis, is of utmost importance to its community and accordingly, the Local Unit desires to issue its Local Unit Bonds through the Bond Financing Program of the MCIA; and

WHEREAS, such Local Unit Bonds shall be issued in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-51 et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Borough of Avon-By-The-Sea that:

Section 1. The Local Unit hereby authorizes the Local Unit’s participation in the MCIA Bond Financing Program.

Section 2. The Local Unit consents to the MCIA's application to the Local Finance Board of the Division of Local Government Services, in the New Jersey Department of Community Affairs (the "Local Finance Board") in connection with the Bond Financing Program.

Section 3. The Local Unit authorizes the filing of an application to the Local Finance Board for its consent to issue its Local Unit Bonds.

Section 4. The Chief Financial Officer of the Local Unit is hereby authorized to, or direct the appropriate party to, enter into one or more loans with the MCIA and is further authorized to execute one or more bond purchase contracts, loan agreements and any and all documents, certificates, opinions and other instruments that are necessary and as may be reasonably required by the Authority in connection with such loan, after consultation with counsel to the Local Unit.

Section 4. This resolution shall take effect immediately.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Avon-by-the-Sea desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund the AVON-BY-THE-SEA RIVERFRONT PARK AND MARINA DEVELOPMENT PROJECT, 2 Main St., Block 43.02, Lot 1; and

WHEREAS, the total cost of the project including all matching funds is \$913,000; and

WHEREAS, the Borough of Avon-by-the-Sea is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY the Borough of Avon-by-the-Sea THAT:

1. Mr. Timothy Gallagher, Borough Administrator, is authorized to make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and

2. The Borough of Avon-by-the-Sea is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Mr. Timothy Gallagher, Borough Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Mahon that the bills in the amount of \$643,659.12 be approved for payment.

The Vote:

Aye: All (Mayor abstains from approving P.D. bills)

No: None

Mayor asks the Supervisors to give updates on their departments.

Karl Klug, Water Supt. – hydrants have been flushed. Changing to NJ American on Wed.

Chief Mahon – gave report on summons issued during month of Aug.

Mr. Gallagher – gave Beach & Pool report:

Beach: \$1,535,204 in 2010, \$1,297,903 in 2009 for increase of \$237,301 over last year. Pool: \$78,098 in 2010, \$63,632 in 2009 for increase of \$14,466 over last year.

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

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**