

REGULAR MEETING – SEPTEMBER 14, 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 Gorman that the minutes of the meeting of August 24, 2009 be approved as written.

The Vote:

Aye: ___

No: ___

RESOLUTION offered by Mahon seconded by McGovern that,

BOND ORDINANCE NO. 14-2009 entitled:

“ ORDINANCE REAPPROPRIATING \$25,000.00 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR RENOVATIONS TO THE MUNICIPAL MARINA IN AND BY THE BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, NEW JERSEY. ”

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the above Bond Ordinance No. 14-2009 be taken up on second reading with a hearing on September 28, 2009 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

Mr. Gallagher – We applied for a Community Development Block Grant last year, and awarded \$65,997.00. These next 2 resolutions are boiler plate things we need to do in order to get our money.

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, certain federal funds are potentially available to Monmouth County through the American Recovery and Reinvestment Act of 2009; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2008; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Avon-By-The-Sea execute a project agreement with Monmouth County to undertake a project known as Beachfront Handicap Access Renovation & Installation; and

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Avon-By-The-Sea sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Avon-By-The-Sea has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Avon-By-The-Sea has met the conditions of receiving a FY 2008 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Avon-By-The-Sea is hereby authorized to sign the attached certifications which will become part of the FY 2008 Project Agreement.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, certain federal funds are potentially available to Monmouth County under the American Recovery and Reinvestment Act of 2009; and

WHEREAS, the County of Monmouth expects to receive an allocation for FY 2008 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for FY 2008 to the U.S. Department of Housing and Urban Renewal, which included a project hereinafter referred to as Borough of Avon-By-The-Sea with a grant allocation of \$65,997.00; and

WHEREAS, the Borough of Avon-By-The-Sea has hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Borough of Avon-By-The-Sea has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Avon-By-The-Sea are hereby authorized to execute with the County of Monmouth the attached Project Agreement.

The Vote:

Aye: All

No: None

Mr. Gallagher – This is the public hearing that was advertised for this next resolution. There is remediation down at the marina property. We had an environmental study done and it's between \$75,000 - \$100,000 to remediate for which we are getting grant money if the building comes down. If the building stays up they will have to prop it up and it will cost \$300,000. Building is not habitable, it's in the wrong place for the park we want and it can't be utilized for what we want. The cost to rip it down is about \$12,000. We have gotten prices on building a 2 story, 36x40 foot building which would have bathrooms on the 1st floor and storage. The 2nd floor would be a big open room with a small kitchen. Cost to build would be \$300,000 - \$375,000. We're applying for a grant, that's what this resolution is for, from the Monmouth County Open Space for \$250,000 and once we apply for this, providing we go to another funding source, the matching funds will not be from us but we'd be going back to one of our other funding sources for the other \$250,000. This resolution is authorizing us to go for the 1st part of the grant.

Mayor Mahon – With this project we've garnered most of the money for the purchase, except for \$10,000, from grants. As we move ahead, in terms of the facility, remediation & construction, we can pursue grant funds. If we reach point where that isn't feasible, we would have to stop and talk again. We're confident there are funds out there.

Mr. Gallagher – We're not blindly going out for these grants. Have discussed this entire project with all these agencies. They've been to the site, we've discussed with them, and have had positive feedback.

It was asked if the building would be for rent? Our use.

Where would building be? Would need an architect to come in and tell us where best place would be.

Would the entrance be from Main St.? Probably, but nothing is finalized. Need certain number of parking spaces as well.

RESOLUTION offered by Mahon seconded by McGovern 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 \$550,000.00; 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 (a) 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

Commissioner Gorman asked Chief Mahon if he would like to comment on following resolution. Chief Mahon said that we went through this 2 years ago, we voted it down, and he doesn't think we're going to get any further this time.

Comm. Gorman shares the Chief's opinion. If we were going to seriously think about this study, the time to have done it was 6 months ago, not when the study is ¾'s complete. He doesn't see the value of us entering in to this at this time. This was looked at 2 years ago and the overwhelming opinion of the taxpayers was not to move forward with it.

Comm. McGovern said that he believes that one of the things that makes Avon so desirable is the strength of its Police Dept. He is totally in favor of the Police Dept. itself. He has absolutely no interest in merging Police Depts. He looks at this study as possibly saving the taxpayers \$150,000. If it does have an impact I would like to know about it. If not, I think \$2,800 is a cheap price to pay.

Chief Mahon said that he has several issues with it. Would also like to look at possibly have the Sheriff's Dept. dispatch for us.

Mayor Mahon said that in this day and age, when an opportunity comes along, for a small town such as ours, about sharing services, we'd be foolish to say we're not interested. We've already visited that. Many things have changed. There were elements in the previous study that he didn't agree with. His concern was the cost of dispatching in this community. We still have uniform Police Officers doing dispatching. We're paying a policeman's salary to do dispatching. You can select services you want. He thinks we can save money in the dispatching element. Let's see what it has to offer for us. It is not his intention to merge Police Depts.

Frank McGovern asked about # of prisoners and calls. Answered by Chief.

Jim Kropke agrees with Mayor Mahon.

Someone voiced the opinion that we have nothing to loose by doing the study, then after it can be determined what the best decision will be.

Mr. Gallagher said that this study also includes Neptune, Neptune City, Bradley Beach and Lake Como.

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, the Governing Body of the Borough of Avon-By-The-Sea and the Borough of Belmar, have agreed to apply for a SHARE (Sharing Available Resources Efficiently) Program Grant through the State of New Jersey SHARE Program in the amount of 75,684.10; and,

WHEREAS, the Borough of Belmar has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made SHARE grants available to assist local units to study the feasibility of developing and implementing new shared and regional services; and

WHEREAS, the purpose of this grant is to analyze the feasibility of sharing certain services between and among the participating municipalities with respect to the various individual elements that constitute police and/or municipal court services, including but not limited to such individual elements of service as communications and dispatch, prisoner detention and processing, records management, evidence, training, crime analysis, use of K-9 units, use of tactical units, purchasing, management, patrol coverage, etc.; and

WHEREAS, the adoption of this Resolution authorizing the participation in the study, does not obligate or bind the governing body of the Borough of Avon-By-The-Sea to enact or to agree with any recommendation or proposal, or to participate in the sharing of any individual element of service (e.g., communications and dispatch), as a condition of sharing in any other individual element of service, and the governing body of the Borough of Avon-By-The-Sea is free to participate in the sharing in such individuals elements of service as it may choose after due deliberation, including none at all.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Avon-By-The-Sea, does hereby join with the Borough of Belmar in applying for a grant for the purpose of a feasibility study of such an endeavor; and,

BE IT FURTHER RESOLVED that the Borough of Avon-By-The-Sea agrees to provide a portion of the required local matching funds in the amount of \$2,800 as its contribution to the study's costs.

The Vote:

Aye: Commissioner McGovern, Mayor Mahon

No: Commissioner Gorman

RESOLUTION offered by Gorman seconded by McGovern that the Board of Commissioners of the Borough of Avon-By-The-Sea acting as the appropriate authority for the Police Department hereby adopt the Rules and Regulations for the Avon Police Department as presented by the Police Committee.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the Board of Commissioners hereby approve the creation of two (2) positions for the rank of lieutenant in the Police Department.

The Vote:

Aye: All

No: None

Mr. Gallagher explained the above resolution: when we did the new police ordinance it didn't establish any positions. Right now, other than Chief and patrolman, there are no positions. By this resolution we will be establishing 2 Lieutenant positions. The chief will be looking to promote 2 patrol officers.

Comm. Gorman stated that for 30 years the Police Dept. has had a Chief, a Captain & 2 Lieutenants. Recently, we've had a number of retirements, litigations. As a result of litigation, we re-wrote our police ordinance.

It was asked if we are eliminating the Captain's position? No we are not. It is under study.

It was asked if there would be any impact on payroll? No. Why do we need 2 Lts.? To aid in shift supervision.

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorizes the cancellation of 2009 water/sewer charges for the following accounts:

Block 47, Lot 1	441 Jefferson Ave.	Demo	\$196.88
Block 54, Lot 13.02	40 First Ave.	C/O	\$ 87.50

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Avon Home & School Assn. is hereby approved to conduct a Gift Auction to be held at The Norwood Inn, October 23, 2009 from 6:00 p.m. to 10:00 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that Richard Maloney, Jr. is hereby appointed to the Avon Planning Board for four (4) year term. Term effective May 15, 2009.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the Board of Commissioners hereby authorize the following candidates to attend the Monmouth County Police Academy as Class II Special Officer Recruits.

**Vincent Cavalieri
Nicholas Sarno**

**Carrie Colbert
Charles Sebban**

The Vote:

Aye: All

No: None

Comm. Gorman stated that there is no cost to the Borough for this. They pay their own tuition, but they need to be sponsored by a law enforcement authority. These people have worked for us for at least a year as Class I Specials and/or dispatchers.

Motion by McGovern seconded by Gorman that the bills in the amount of \$808,615.29 be approved for payment.

The Vote:

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

No: None

Mayor asks the department heads for their reports:

Karl Klug, Water Supt. – usually flushing hydrants by now but due to all the rain, will most likely be flushing in Oct.

Jeff Bramhall, D.P.W. Supt. – the County is no longer accepting household batteries. They are not considered to be hazardous due to changes in the manufacturing process. Button batteries will still be collected for recycling. Rechargeable batteries are only accepted at certain stores. On the website, www.rbrc.org, if you put in your zip code it will give you a list of stores in your area that will take them. Also, we'll be trimming trees in the fall – anything hanging over the streets and anything that may be a hazard.

Comm. Gorman commended D.P.W. for a good job in cleaning up after the storm. We were the only beach free of debris on Sun.

Comm. Gorman said on Aug. 27th, he represented the Borough at a meeting with the Monmouth County Transportation Planner and the Monmouth County Tourism Director as well as representatives from Neptune and Bradley Beach. The purpose was to look into getting a federal grant for a local bus route for a jitney-type operation that would run from Spring Lake to Asbury Park. There is no cost to us, just have to say we are interested.

Mayor asks if anyone would like to be heard?

It was asked what the \$195,000 in the beach capital is for? The new garbage truck.

Marie Kenny asked if there is a final tally on beach & pool revenues?

Mr. Gallagher –

Beach	2009	\$1,297,903	Pool	2009	\$63,632
	2008	\$1,322,716		2008	\$60,063
(a decrease of \$24,000 in 2009)			(an increase of \$3,569 in 2009)		

Linda Henderson asked when we are on our water and when on NJ American? Karl said we are on well water in the summer and NJ American in the winter. Mrs. Henderson also asked if they discussed the noise ordinance further? Mayor said that there are no plans to revisit. Comm. McGovern said he discussed it with various people in town. Doesn't feel it's an issue at this time.

Some discussion regarding police captain position and not filling it. Mr. Gallagher said that the position has not been created because they are not ready to fill it yet. We can create it anytime through resolution.

Scottie Franklin talked about liquid natural gas installation and being opposed to it.

Mr. Gallagher reminded everyone to get numbers on their houses. Also, mentioned a Housing Improvement Program that the County has. Some people may be eligible for assistance in making repairs to home.

Comm. Gorman announced the annual Fire & 1st Aid benefit at the Norwood Inn on Sunday, October 11th from 5pm to 7pm. Also, announced the Kaleidoscope of Hope fundraiser on Sept. 26th.

Motion by Mahon seconded by McGovern 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**