

REGULAR MEETING – SEPTEMBER 28, 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 _____ seconded by _____ that the minutes of the meeting of September 14, 2009 be approved as written.

The Vote:

Aye: ____

No: ____

Mayor announces that this is the time advertised for second reading and hearing on 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. ”**

Would anyone like to be heard on the ordinance?

Motion by _____ seconded by _____ that the above Bond Ordinance No. 14-2009 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: ____

No: ____

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

Block 35 Lot 5.02	38 Garfield Ave. F	Demo	\$153.12
Block 35 Lot 5.02 Sub 1	38 Garfield Ave. R	Demo	\$153.12
Block 53 Lot 7	12 Washington Ave.	Demo	\$153.12

The Vote:

Aye: ____

No: ____

RESOLUTION offered by _____ seconded by _____ that the Board of Commissioners hereby authorize the refund of duplicate/overpayment third quarter 2009 property tax payments to the following:

Block 10, Lot 5.02	Adams	609 Main St.	32.29
Block 53, Lot 9.01	Pirak	200 Ocean Ave.	8,240.58
Block 8, Lot 5.22	Robins	809 Ocean Ave.	1,970.99

The Vote:

Aye: _____

No: _____

RESOLUTION offered by _____ seconded by _____ that the surety bond posted by A&D Main Street Properties for 300 Main Street, Block 28 Lot 9, in the amount of \$7,215.00 (\$7,800.00 - \$585.00 invoices paid to T&M Associates) be released. The improvements have been in place for a substantial period of time and there are no other outstanding payments due the Board professionals and no outstanding issues exist for this site.

The Vote:

Aye: _____

No: _____

RESOLUTION offered by _____ seconded by _____ that the Board of Commissioners hereby authorize the refund of 2008 taxes and,

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 42, Lot 3, assessed to Main One Marina Inc. and,

WHEREAS, the assessed value for Block 42, Lot 3, changed in 2008 by a \$345,800.00 reduction, resulting in an overpayment of taxes for 2008 of \$3,177.90 and,

WHEREAS, the interest calculated at 5% is \$142.56,

NOW, THERRFOR, 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 reduce the 2008 billings on Block 42, Lot 3 due to the successful State Tax Court Appeal, resulting in a refund to Main One Marina Inc., c/o Joseph M. Hyrmack, Esq. for 2008 taxes and interest in the amount of \$3,320.46.

The Vote:

Aye: _____

No: _____

RESOLUTION offered by _____ seconded by _____ that the Board of Commissioners hereby authorize the refund of 2008 taxes and,

WHEREAS, a successful State Tax Court Appeal judgment was awarded to Block 6, Lot 5.01, assessed to Patricia A. Donnelly and,

WHEREAS, the assessed value for Block 6, Lot 5.01, changed in 2008 by a \$407,100.00 reduction, resulting in an overpayment of taxes for 2008 of \$3,741.25 and,

WHEREAS, the interest calculated at 5% is \$163.51,

NOW, THERRFORE, 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 reduce the 2008 billings on Block 6, Lot 5.01 due to the successful State Tax Court Appeal, resulting in a refund to be applied as a credit to the fourth quarter 2009 in the amount of \$3,904.76 per the request of Jeff Horn, Esq.

The Vote:

Aye: ____

No: ____

RESOLUTION by _____ seconded by _____ that,

WHEREAS, Sunday, October 18, 2009, has been designated as Catholic Daughters of the Americas Day by the National Board with the theme “For in Him, we live and move and have our being” (Acts 17:28), and

WHEREAS, the Catholic Daughters believe we exist as offspring of God with the Spirit of God dwelling within us, and

WHEREAS, acknowledging God as our creator, Catholic Daughters seek to serve and honor Him in our daily lives, and

WHEREAS, the Catholic Daughters believe our lives should be lived for the glory and honor of God, and

WHEREAS, the Catholic Daughters hold to the truth that “it is He who gives to all men life and breath and all things” (Acts 17:25).

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Robert Mahon, do hereby proclaim Sunday, October 18, 2009 as **CATHOLIC DAUGHTERS OF THE AMERICAS DAY** in the Borough of Avon-By-The-Sea.

The Vote:

Aye: ____

No: ____

Motion by _____ seconded by _____ that the bills in the amount of \$720,833.51 be approved for payment.

The Vote:

Aye: ____

No: ____

Mayor asks if anyone would like to be heard?

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

The Vote:

Aye: ____

No: ____