

REGULAR MEETING – OCTOBER 9, 2012 – 7:30 P.M.

Pledge of Allegiance.

Roll Call: Commissioner McGovern, Commissioner Gorman

Absent: 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 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.

Motion by McGovern seconded by Gorman that the minutes of the meeting of September 10, 2012 be approved as written.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that,

ORDINANCE NO. 10-2012 entitled:

“ AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, CHAPTER 113, ENTITLED “LAND DEVELOPMENT.”

be introduced on first reading.

The Vote:

Aye: All

No: None

Lengthy discussion followed.

Motion by Gorman seconded by McGovern that the above Ordinance No. 10-2012 be taken up on second reading with a hearing on October 22, 2012 at 7:30 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 71 in Avon-By-The-Sea, and

WHEREAS, NJDOT recommends a revision to the centerline pavement markings on Route 71 to create a “No Passing Zone” in the vicinity of Main Street in its entirety for safety reasons, and

WHEREAS, this project will create safer driving conditions in this area of Route 71,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, in the State of New Jersey, that it supports the use of a “no Passing Zone” on Route 71 in Avon-By-The-Sea as recommended by NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to NJDOT as requested.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that,

WHEREAS, Bill S108/A291, introduced in the Legislature in 2012 proposes to amend Megan’s Law to require the County Prosecutors to determine the risk of re-offense of sex offenders under Megan’s Law prior to the release of a sex offender from incarceration, and

WHEREAS, currently, many sex offenders are not tiered until they have been released in the community, and

WHEREAS, the Board of Commissioners believes it is in the best interests of the citizens of the Borough of Avon-By-The-Sea and all of New Jersey to require the Prosecutor’s Office to determine a sex offender’s risk of re-offense prior to release.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Avon-By-The-Sea, County of Monmouth, State of New Jersey hereby supports the passage of New Jersey Legislature Bill S108/A291 which amends Megan’s Law in order to require the County Prosecutors to determine a sex offender’s risk of re-offense prior to release from incarceration and urges the enactment of such legislation as soon as possible.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the following appointment to the Planning Board be made:

Francis McGovern Alternate #4 2 year term End 10/08/14

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the following appointments to the Environmental Commission be made:

Megan Page	Alternate #1	2 year term	End 10/08/14
Vade Hanlon	Alternate #2	1 year term	End 10/08/13

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, the Citizens of the Borough of Avon-By-The-Sea have been subjected to vandalism during this time of year, and

WHEREAS, this vandalism is the result primarily of children under the age of eighteen (18) running through the streets and lanes of the Borough.

NOW, THEREFORE, BE IT KNOWN, that the Board of Commissioners of the Borough of Avon-By-The-Sea, do hereby proclaim that commencing October 26th through November 3rd 2012, NO child under the age of eighteen (18) years of age shall be permitted on the streets or lanes of the Borough of Avon By The Sea between the hours of 8:00 P.M. and 6:00 A.M., unless accompanied by their parent or guardian.

BE IT FURTHER KNOWN, that NO person of any age shall be permitted to wear a mask on any of the streets or lanes of the Borough of Avon-By-The-Sea between the dates and hours stated above.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, Greeley, Thomas P. & Judith, 224 Riverside Avenue, Block 50, Lot 12, owner of property on the tax map of the Borough of Avon-by-the-Sea, did file an appeal with the Monmouth County Board of Taxation for the year 2012 and,

WHEREAS, the Monmouth County Board of Taxation has entered a judgment in the appeal wherein the assessment on said property was reduced as follows:

Original Assessment was \$1,438,000.00
Judgment Assessment was \$1,188,000.00
Difference = \$250,000.00 and,

WHEREAS, Mr. & Mrs. Greeley sold the property before the judgment was entered and made an agreement with the new owner to receive a refund in the amount of 33% of the 2012 total adjustment.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Avon-by-the-Sea, County of Monmouth, that the Tax Collector of the Borough of Avon be instructed to refund \$850.38

for the overpayment of the third quarter 2012 tax to Thomas or Judith Greeley and cancel \$1,701.67 from the fourth quarter 2012 property tax, \$638.13 from the first quarter 2013, and \$630.12 from the second quarter 2013.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, the owners of Block 8 Lot 2.01, 44 East End 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>
1,325,000.00 Land	1,325,000.00 Land
589,300.00 Improvements	375,000.00 Improvements
<u>1,914,300.00 Total Assessment</u>	<u>1,700,000.00 Total Assessment</u>
\$19,277.00 taxes paid 2011	\$17,119.00 taxes due 2011

WHEREAS, this has resulted in their overpaying the property tax for the year 2011 in the amount of \$2,158.00 and statutory interest has been waived pursuant to N.J.S.A. 54:3-27.2 and,

WHEREAS, the Stipulation reflects that the 2012 assessment be reduced to \$1,500,000.00 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 \$2,158.00 for the year 2011 to The Irwin Law Firm Attorney Trust Account F.B.O. Scrimmer, Denis J. & Linda, 80 Main Street, Suite 410, West Orange, NJ 07052.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorize the cancellation of 2012 water/sewer charges for the following account:

Block 48.01 Lot 11 324 McKinley Place Occupancy Date \$50.00

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners that,

WHEREAS, Block 52 Lot 6.05, assessed to Vitale, Carole is currently being billed for two units of water and sewer and,

WHEREAS, the owner has converted the property to one unit and has provided the Borough with a notarized letter stating she understands the property cannot be converted back to two units in the future.

NOW, THEREFORE, 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 cancel one unit of record from the water and sewer account of Block 52 Lot 6.05 with an effective date of October 1, 2012 and cancel water charges in the amount of \$30.75 and sewer charges in the amount of \$75.00 for a total of \$105.75.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman approving submission of a grant application and executing a grant contract with the New Jersey Department of Transportation for the Garfield Avenue and Jefferson Avenue Improvements project.

NOW, THEREFORE, BE IT RESOLVED that Council of Avon-By-The Sea formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Board of Commissioners and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Avon-By-The-Sea Borough-00350 to the New Jersey Department of Transportation on behalf of the Borough of Avon-By-The-Sea.

BE IT FURTHER RESOLVED that Board of Commissioners and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Avon-By-The-Sea and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by McGovern that the bills in the amount of \$838,816.98 be approved for payment.

The Vote:

Aye: All

No: None

Dept. Heads:

Lt. Mike Pelech, Police Dept. – some surrounding towns have had break-ins during day & night hours. Please lock doors and report anything suspicious.

Karl Klug, Water Supt. – using N.J. American water now.

Jeff Bramhall, DPW Supt. – picking loose leaves up in curb now.

Charlie Rooney, Borough Engineer – two projects: bids on sanitary sewer rehab coming on Tue. 10/16 and bids for lane improvements coming in on Thurs. 10/18. Marina project is going along well.

Barry Cooke – litigation beginning on Hartl property.

Mayor asks if anyone would like to be heard?

Mr. Gallagher gave Lifeguard report – 6,286 preventive actions, 270 assists, 267 rescues, 24 major 1st aid calls (person is sent to hospital).

Comm. Gorman announced the Fire Dept. fund raiser at the Norwood Inn on Sun., Oct. 14th from 4:00 pm to 6:00 pm.

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

The Vote:

Aye: All

No: None

Robert P. McGovern, Commissioner

Francis E. Gorman, Commissioner

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