

REGULAR MEETING – NOVEMBER 9, 2009 – 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 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.

RESOLUTION offered by McGovern seconded by Gorman that,

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Avon-by-the-Sea desires to further the public interest by obtaining a loan of \$34,150.00 and/or a grant of \$294,638.00 from the State to fund the following project(s):

**Marina Acquisition - the acquisition of 2 Main Street
(Block 43.02, Lot 1) for use as a park and marina.**

NOW, THEREFORE, the Board of Commissioners resolve that Timothy M. Gallagher or the successor to the office of Borough Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant.**
- (b) provide additional application information and furnish such documents as may be required.**
- (c) act as the authorized correspondent of the above named applicant,
and**

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of the Borough of Avon-By-The-Sea,

1. That the Borough Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Marina Acquisition, and;
2. That the applicant has its share of the project, if a share is required, in the amount of \$849,762.00.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorize the refund of the overpayment of fourth quarter 2009 property tax payments to the following:

Block 54 Lot 10.01 Duff 100 Ocean Avenue \$2,213.64

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$1,198,741.47 be approved for payment.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that the Board of Commissioners hereby promote the following officers to the rank of Lieutenant:

**Michael F. Haar
Michael J. Pelech**

The Vote:

Aye: All

No: None

Judge Alfred D'Auria swears in Lts. Haar and Pelech.

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

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