

**REGULAR MEETING – NOVEMBER 28, 2011 – 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 October 24, 2011 be approved as written.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Mahon that the Mayor and Municipal Clerk are hereby authorized to execute an agreement with Monmouth County for cooperative participation in the Community Development Program pursuant to the Interlocal Services Act,**

**WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and**

**WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and**

**WHEREAS, an Agreement has been proposed under which Avon-by-the-Sea and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A 40:8B-1; and**

**WHEREAS, it is in the best interest of Avon-by-the-Sea to enter into such an agreement,**

**NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of Avon-by-the-Sea that the agreement entitled “AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES”, a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and**

**BE IT FURTHER ORDAINED** that this resolution shall take effect immediately upon its enactment.

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION** offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorize the refund of a 2011 fourth quarter property tax duplicate payment to the following:

**Block 32, Lot 9 Cole 301 Garfield Avenue \$3,215.79**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION** offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorize the refund of taxes and,

**WHEREAS**, a successful State Tax Court Appeal judgment for Docket No. 007745-2011 was entered on November 10, 2011 for the tax year 2011 and awarded to Block 34, Lot 2, 135 Sylvania Avenue, assessed to Renna, Philip & Rose and,

**WHEREAS**, the assessed value changed for 2011 by a 121,000.00 reduction to an assessment of 2,250,000.00, resulting in an overpayment of taxes of \$1,218.47 and,

**WHEREAS**, statutory interest on the refund was not waived by the taxpayer and,

**WHEREAS**, the refund as a result of the settlement set forth herein is to be made payable to William S. Winters, Esq., as attorney for Mr. & Mrs. Philip Renna, 199 State Route 18, East Brunswick, NJ 08816 and,

**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 refund \$1,218.47, the 2011 said overpayment of taxes on Block 34, Lot 2, plus interest in the amount of \$4.57 due to the successful 2011 State Tax Court Appeal.

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION** offered by Gorman seconded by McGovern that the bid for the 2011 Sanitary Sewer Rehabilitation be awarded to National Water Main Cleaning Co., 875 Summer Ave., Newark, NJ, for the low bid of \$124,025.00.

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION** offered by McGovern seconded by Mahon that the Board of Commissioners hereby appoint Anthony Vecchio as Zoning Officer. Said term effective November 14, 2011.

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by McGovern that the Mayor is hereby authorized to sign a contract between the Borough of Avon-By-The-Sea and the Associated Humane Societies for animal control services for the year 2012.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by McGovern that,**

**WHEREAS, there are unexpended balances of appropriations which are not needed, and other appropriations which will be deficient,**

**NOW, THEREFORE, BE IT RESOLVED that the following 2011 appropriation transfers be authorized:**

<b>FROM: Beach Legal O.E.</b>	<b>1,000.00</b>
<b>TO: Beach Pub. Bldgs. O.E.</b>	<b>1,000.00</b>
<b>FROM: Sanitation O.E.</b>	<b>1,000.00</b>
<b>TO: Public Bldgs. O.E.</b>	<b>1,000.00</b>
<b>FROM: Elections O.E.</b>	<b>2,200.00</b>
<b>TO: Street Lighting</b>	<b>2,200.00</b>
<b>FROM: Police Car Purchase</b>	<b>8,000.00</b>
<b>Insurance O.E.</b>	<b>2,000.00</b>
<b>TO: Gasoline</b>	<b>5,000.00</b>
<b>Diesel Fuel</b>	<b>5,000.00</b>
<b>FROM: Municipal Dues O.E.</b>	<b>300.00</b>
<b>Environmental O.E.</b>	<b>200.00</b>
<b>TO: Assessment of Taxes O.E.</b>	<b>500.00</b>

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby approve an application for a Blue Light Permit for Robert S. Stiloski, Volunteer Fireman.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by McGovern seconded by Gorman that the bills in the amount of \$1,762,749.26 be approved for payment.**

**The Vote:**

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

**No: None**

**Mayor asks if anyone would like to be heard?**

**Barry Cooke suggested that Board consider a change to the Land Development Ordinance 113-11, Side Yard Setback. As written it is confusing and ambiguous. Suggest it state only "Sideyard setback (each) a minimum of 5 feet".**

**RESOLUTION offered by Mahon seconded by McGovern that Mr. Cooke prepare a letter to the unified planning board as per N.J.S.A. 40:55D-64 for their review of the proposed amendment.**

**The Vote:**

**Aye: All**

**No: None**

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

**The Vote:**

**Aye: All**

**No: None**

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**Robert Mahon, Mayor**

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**Robert P. McGovern, Commissioner**

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**Francis E. Gorman, Commissioner**

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