

REGULAR MEETING – DECEMBER 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 Mahon that the minutes of the meeting of October 26, 2009 be approved as written.

The Vote:

Aye: All (Comm. Gorman absent)

No: None

Motion by McGovern seconded by Gorman that the minutes of the meeting of November 9, 2009 be approved as written.

The Vote:

Aye: All (Mayor Mahon absent)

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 29 Lot 13	Finnegan	315 Fourth Ave.	\$1,242.76
Block 33 Lot 15	Romeo	212 Lincoln Ave.	\$2,399.90
Block 42 Lot 3	Main One	1 Main Street	\$3,721.27

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that,

WHEREAS, properties reflect 2009 tax and water/sewer balances and credit balances of less than \$10.00, and

WHEREAS, it is deemed unfeasible to incur the cost of collecting or refunding balances of less than \$10.00,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Avon-By-The-Sea that the Tax Collector, pursuant to R.S. 54:4-91 and R.S. 54:4-91.2 is authorized and directed to cancel the 2009 tax and water/sewer balances less than \$10.00 and credit balances of less than \$10.00 for each of the properties.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that,

BE IT RESOLVED that upon the recommendation of the Borough of Avon-By-The-Sea Tax Collector:

- 1. There shall be a ten (10) day grace period on the quarterly taxes, after which unpaid taxes will be charged interest back to the due date.**
- 2. Interest shall be charged and calculated at the rate of eight (8)% per annum on the first \$1,500.00 of the delinquency, and eighteen (18)% per annum on any amount in excess of \$1,500.00 calculated from the date the tax was payable until the actual payment is received until all of the delinquencies on a property are brought to a current status.**
- 3. There shall be a six (6)% penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year. Delinquency is defined to mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters.**
- 4. Redemption fees for Tax Sale Certificates are as follows:**
 - Two (2)% on certificates \$200.00 to \$4,999.99**
 - Four (4)% on certificates \$5,000.00 to \$9,999.99**
 - Six (6)% on certificates over \$10,000.00**
- 5. A service charge of \$20.00 will be charged for each returned check, used to make any payment to the Borough of Avon-By-The-Sea, for any reason specified by a financial institution.**
- 6. A fee of \$5.00 will be charged for the first duplicate copy of the tax bill requested by a mortgage servicing organization and a fee of \$25.00 will be charged to each subsequent duplicate copy of the same bill in the same tax year.**
- 7. All tax sale certificate redemption amounts shall be obtained from the Tax Collector. In addition, a \$25.00 fee will be charged for each additional request for a redemption.**
- 8. There shall be a fee of \$100.00 for the issuance of a duplicate tax sale certificate.**

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that Timothy M. Gallagher is hereby appointed as the Community Development Representative for 2010. Barbara Suchecki is appointed as the Alternate.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the following appointments be made:

Michele Darling	Deputy Borough Clerk	1 year term	End 12/31/10
Jeff Bramhall	Recycling Coordinator	1 year term	End 12/31/10
Douglas Carter	Recreation Director	1 year term	End 12/31/10

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

WHEREAS, there exists a need for a Municipal Judge, and

WHEREAS, funds will be available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the appointment without competitive bidding must be publicly advertised,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the Borough Clerk is hereby authorized and directed to engage the services of the following person:

Municipal Judge Alfred J. D'Auria

For a term of three (3) years effective January 1, 2010. This appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and is, therefore, exempt under N.J.S.A. 40A:11-5.

A copy of the resolution and contract will be on file and available for public inspection in the office of the Borough Clerk.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the following are reappointed to the Avon Planning Board effective January 1, 2010:

Michael Davey	Class IV Member	4 years
Sandra McLaughlin	Alternate #3	2 years

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon 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 2009 appropriation transfers be authorized:

FROM: Elections O.E.	1,337.70
Legal O.E.	3,000.00
Reg. of Bonds	500.00
Clerk & Financial O.E.	1,000.00
Sylvan Lake O.E.	1,000.00
Website	500.00
Landfill	3,000.00
TO: Planning Board O.E.	10,337.70

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorize the Mayor to sign a change order for the contract with Lucas Construction Group, Inc., Norwood Avenue Improvements – Phase I project for a reduction in the amount of \$41,570.77 and an addition in the amount of \$41,565.45 for a revised contract amount of \$366,799.66.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that the Board of Commissioners hereby authorize the Mayor to sign a change order for the contract with Montauk Services, 2009 Water Main Cleaning project to change the contract completion date from January 14, 2009 to May 10, 2010 – an increase in contract completion time from ninety days to two hundred six days. The extension is given to the contractor at no cost.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, motor vehicle crashes kill over 40,000 people and injure three million every year, at a cost to society of some \$150 billion annually; and

WHEREAS, alcohol-related crashes account for approximately 40 percent of those deaths and injuries; and

WHEREAS, the December holiday season is traditionally one of the most deadly times of the year of alcohol-impaired driving; and

WHEREAS, for thousands of families across the nation, the December holidays bring a somber reminder of the loved ones they lost to an impaired driver during a previous holiday season or at any time during the year; and

WHEREAS, community-based programs involving consumer education, effective laws, and strong police enforcement have proven to be successful in reducing impaired driving; and

WHEREAS, organizations from every state are joining together to “Take A Stand Against Impaired Driving” this December by supporting anti-impaired driving programs and policies; and

WHEREAS, the community of Avon-By-The-Sea is a partner in that effort to make our roads and streets safer;

NOW, THEREFORE, I, MAYOR ROBERT MAHON, do hereby proclaim December, 2009 as National Drunk and Drugged Driving Prevention month in Avon-By-The-Sea and hereby call upon all citizens, government agencies, business leaders, hospitals, schools, and public and private institutions in Avon-By-The-Sea to promote awareness of the impaired driving problem, to support programs and policies to reduce the incidence of impaired driving, to promote safer and healthier behaviors regarding the use of alcohol and other drugs, and to provide opportunities for all to participate in “Take A Stand Against Impaired Driving” this December holiday season and through the year.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by Mahon that a new full time police officer be hired.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$1,222,308.72 be approved for payment.

The Vote:

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

No: None

Dept. heads give reports on their depts:

Chief Mahon – patrols stepped up for holidays; 12 hr. shifts implemented.

Jeff Bramhall – thanked Garden Club for taking care of Main St. planters. They also donated a nativity scene and one his men painted and fixed it up. Leaf pickup done. Removing sand from behind boardwalk. Still have a little more tree trimming to do, but we borrow Belmar’s bucket truck and so does Lake Como so scheduling becomes a problem sometimes.

Karl Klug – reminds everyone to turn off outside water lines for the water.

Mayor asks if anyone would like to be heard?

Frank Lurch asked about a proposed commercial parking permit/ordinance. Borough attorney, Barry Cooke, gave an overview of the drafted ordinance. Further discussion followed.

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**