

REGULAR MEETING – APRIL 12, 2010 – 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 March 22, 2010 be approved as written.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

WHEREAS, N.J.S.A. 40A:4-19 provides that every municipality must make temporary appropriations during the period of January 1st to adoption of the budget sufficient to cover commitments made during the period of January 1st to the date of adoption of the 2010 budget,

WHEREAS, the 2010 budget will not be adopted until after April 1st and commitments need to be covered until the date of adoption.

WHEREAS, the total emergency resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution is \$105,056.26 in the Beach Utility Budget, \$101,707.63 in the Water Utility Budget and \$332,798.55 in the Current Budget for a total of \$539,562.44.

NOW, THEREFORE, BE IT RESOLVED, that these appropriations shall constitute an amendment to the 2010 Temporary Budget.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, N.J.S.A. 54:4-91.1, and as amended by P.L. 1991 C. 75, requires the collector to submit to the governing body on or before May 1st annually, a list of uncollectible taxes for the year 2009 for cancellation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Avon-by-the-Sea, County of Monmouth, State of New Jersey, hereby authorizes and directs the cancellation of the following taxes for 2009:

Block 43.02 Lot 1 Borough of Avon 2009 \$6,573.10 Reason = Tax Exempt

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and Tax Assessor.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorize, upon the recommendation of the Tax Collector, that the Borough participate in the electronic file sharing with search companies. Based upon one file transfer per week, a single up front payment of \$300.00 will be accepted for one year's worth of electronic data, beginning April 1, 2010 through March 31, 2011. This fee will be increased if additional weekly files are requested.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorizes the cancellation of 2010 water/sewer charges for the following accounts:

Block 22, Lot 3	127 Woodland Ave.	Erroneous	\$494.40
Block 25, Lot 7.01	400 Main St.	Erroneous	945.60
Block 25, Lot 7.02	514 Garfield Ave.	Erroneous	281.70
Block 52, Lot 2	112 Second Ave.	Erroneous	129.60

The Vote:

Aye: All

No: None

Mayor announces that an application has been received for the renewal of the Seasonal Retail Consumption License for the Avon Hotel Corp., 601 Ocean Avenue.

Are there any objections to this license renewal? There was some discussion on the noise from music coming from raw bar.

RESOLUTION offered by Mahon seconded by McGovern that,

BE IT RESOLVED that the Board of Commissioners do hereby approve the renewal of the Seasonal Retail Consumption License No. 1305-34-004-003 for the Avon Hotel Corp., T/A the Columns at the fee of \$1,500.00 effective May 1, 2010 with the following conditions:

- 1. No amplifiers inside or outside that disturb neighbors.**
- 2. No interior or exterior lighting be directed at neighbors.**
- 3. No loud music.**

4. No additional bars shall be constructed on premises.
5. The following dress code shall be enforced: No bathing suits after 7:00 p.m.
6. Any recommendations of the Fire Inspector and/or Hotel/Rooming House Inspector are complied with.
7. The Board of Commissioners have the right to restrict the operation of the porch.
8. Alcoholic beverages served with food service only on the porch. No new porch seating after 10:00 p.m. All porch service ceased by 11:00 p.m.
9. Raw bar/grille room will provide food & bar service as per submitted plans to the Borough.
10. Licensee must establish and maintain a smoking area outside their establishment on their own property. A map of said area must be submitted to the Borough office for approval.

The Vote:

Aye: All

No: None

Mayor announces that an application has been received for the renewal of the Seasonal Retail Consumption License for the Norwood Inn, 618 Second Avenue.

Are there any objections to this license renewal? No one.

RESOLUTION offered by McMahon seconded by Gorman that,

BE IT RESOLVED that the Board of Commissioners do hereby approve the renewal of the Seasonal Retail Consumption License No. 1305-34-001-004 for the Key East, Inc., T/A the Norwood Inn, at the fee of \$1,500.00 effective May 1, 2010 with the following conditions:

1. No amplifiers inside or outside that disturb neighbors.
2. No interior or exterior lighting be directed at neighbors.
3. No loud music.
4. No additional bars shall be constructed on premises.
5. Patio bar hours restricted to 11:00 a.m. to 8:00 p.m.
6. The Norwood Avenue door to be used as an Emergency Exit only.
7. The following dress code shall be enforced: No bathing suits after 7:00 p.m.
8. Any recommendations of the Fire Inspector and/or Hotel/Rooming House Inspector are complied with.
9. Licensee must establish and maintain a smoking area outside their establishment on their own property. A map of said area must be submitted to the Borough office for approval.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by McGovern that,

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protections promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2009 will memorialize commitment of this municipality to recycling and indicate assent of the Board of Commissioners to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Jeff Bramhall to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by McMahan that the bills in the amount of \$262,738.16 be approved for payment.

The Vote:

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

No: None

Dept. Heads:

Jeff Bramhall, D.P.W. Supt. – getting ready for summer, trimming trees, patching holes in lanes.

Terry Mahon, Police Chief – the law has changed from Yield to Pedestrians to Stop for Pedestrians. New Class I summer specials in academy now.

Mayor asks if anyone would like to be heard?

Discussion on the water main pigging took place.

Motion by Gorman 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**