

REGULAR MEETING – DECEMBER 13, 2010 – 7:30 P.M.

Pledge of Allegiance.

Roll Call: Commissioner McGovern, Mayor Mahon, Commissioner Gorman (on telephone).

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 November 22, 2010 be approved as written.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that,

ORDINANCE NO. 18-2010 entitled:

“ AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 93 ENTITLED “DOGS AND OTHER ANIMALS” OF THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH COUNTY.”

be introduced on first reading.

The Vote:

Aye: All

No: None

Commissioner Gorman asked about current fees, the cost of operation, etc.

Motion by McGovern seconded by Mahon that the above Ordinance No. 18-2010 be taken up on second reading with a hearing on December 27, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, properties reflect 2010 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 2010 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 Mahon that the Board of Commissioners hereby authorize the refund of taxes and,

WHEREAS, a successful State Tax Court Appeal judgment was entered on October 22, 2010 for the tax year 2009 and awarded to Block 53, Lot 4 assessed to Kahn, Clifford and Kathryn and,

WHEREAS, the assessed value changed for 2009 by a \$164,400.00 reduction to an assessment of 1,700,000.00, resulting in an overpayment of taxes of \$1,526.84 and,

WHEREAS, the assessed value changed for 2010 by a \$164,400.00 reduction to an assessment of 1,700,000.00, resulting in an overpayment of taxes of \$1,542.98 and,

WHEREAS, statutory interest on the refund is waived by the taxpayer provided the refund is paid within 60 days of the date of entry of the judgment pursuant to N.J.S.A 54:3-27-2 and,

WHEREAS, the refund as a result of the settlement set forth herein is to be made payable to Clifford Kahn, C/O Thomas L. Murphy, Esq., 113 W. White Horse Rd., Ste. 4, Voorhees, NJ 08043 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 the 2009/2010 taxes on Block 53, Lot 4, in the amount of \$3,069.82, due to the successful State Tax Court Appeal.

The Vote:

Aye: All

No: None

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

WHEREAS, a successful State Tax Court Appeal judgment was entered on October 15, 2010 for the tax year 2010 and awarded to Block 51, Lot 6 assessed to Brazee, Norman and Anna and,

WHEREAS, the assessed value changed for 2010 by a \$75,000.00 reduction to an assessment of 1,180,000.00, resulting in an overpayment of taxes of \$717.00 and,

WHEREAS, statutory interest on the refund is waived by the taxpayer provided the refund is paid within 60 days of the date of entry of the Judgment pursuant to N.J.S.A 54:3-27-2 and,

WHEREAS, the refund as a result of the settlement set forth herein is to be made payable to Norman & Anna Brazee, C/O D. Crawford, Esq.,-McGlaughlin, 1305 Campus Parkway, Ste 200, Wall, NJ 07753 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 the 2010 taxes on Block 51, Lot 6, in the amount of \$717.00, due to the successful State Tax Court Appeal.

The Vote:

Aye: All

No: None

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

WHEREAS, a successful State Tax Court Appeal judgment was entered on October 22, 2010 for the tax year 2009 and awarded to Block 53, Lot 9.01 assessed to Pirak, Leon and Myra and,

WHEREAS, the assessed value changed for 2009 by a \$337,700.00 reduction to an assessment of 3,050,000.00, resulting in an overpayment of taxes of \$3,194.64 and,

WHEREAS, the assessed value changed for 2010 by a \$337,700.00 reduction to an assessment of 3,050,000.00, resulting in an overpayment of taxes of \$3,228.41 and,

WHEREAS, statutory interest on the refund is waived by the taxpayer provided the refund is paid within 60 days of the date of entry of the Judgment pursuant to N.J.S.A 54:3-27-2 and,

WHEREAS, the refund as a result of the settlement set forth herein is to be made payable to Leon & Myra Pirak, C/O Thomas L. Murphy, Esq., 113 W. White Horse Rd., Ste. 4, Voorhees, NJ 08043 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 the 2009/2010 taxes on Block 53, Lot 9.01, in the amount of \$6,423.05, due to the successful State Tax Court Appeal.

The Vote:

Aye: All

No: None

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

WHEREAS, Block 35 lot 4, assessed to Amphitrite, LLC is currently being billed for five units of water and sewer and,

WHEREAS, the owner has converted the property to four units and has provided the Borough with a notarized letter stating he understands the property cannot be converted back to five 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 35 Lot 4 with an effective date of December 13, 2010.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorize the Mayor and Borough Clerk to sign a contract with Kovatch Mobile Equipment Corp. (KME) for delivery of a Demo Custom Fire Apparatus Pumper as per the bid submitted on November 23, 2010. Bid is awarded for a total cost of \$294,259.00. Said price includes cost of demo \$287,782.00 plus \$6,477.00 for additional equipment to bring vehicle up to specs for new pumper.

The Vote:

Aye: Commissioner McGovern, Mayor Mahon

No: None

Abstain: Commissioner Gorman

RESOLUTION offered by Mahon seconded by McGovern that the contract with the Associated Humane Societies be renewed for one (1) year at no cost increase for 2011.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the following people be reappointed to the Planning Board:

Teresa Egan, Class IV	Four (4) year term	Effect. 1/1/11
Calvin Talmage, Alt. 1	Two (2) year term	Effect. 1/1/11
Marie Kenny, Alt. 2	Two (2) year term	Effect. 1/1/11

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$715,296.75 be approved for payment.

The Vote:

Aye: All

No: None

Mayor asks if anyone would like to be heard?

Fire Dept. President Harry Cuttrell & Fire Chief Steve Kegelman thanked the Board of Commissioners for approving the purchase of the new fire truck.

Motion by McGovern seconded by Mahon 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**