

**REGULAR MEETING – FEBRUARY 9, 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 January 12, 2009 be approved as written.**

**The Vote:**

**Aye: All (Comm. Gorman absent)**

**No: None**

**Motion by Gorman seconded by Mahon that the minutes of the meeting of January 26, 2009 be approved as written.**

**The Vote:**

**Aye: All (Comm. McGovern absent)**

**No: None**

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

**ORDINANCE NO. 2-2009 entitled:**

**“AN ORDINANCE AMENDING AND SUPPLEMENTING  
THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA,  
CHAPTER 29, ENTITLED “OFFICERS AND EMPLOYEES”.**

**be introduced on first reading.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by McGovern seconded by Mahon that the above Ordinance No. 2-2009 be taken up on second reading with a hearing on February 23, 2009 at 7:30 p.m. in the Municipal Building.**

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and**

**WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and**

**WHEREAS, the Borough Commissioners of the Borough of Avon-By-The-Sea in the County of Monmouth finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and**

**WHEREAS, the Board of Commissioners hereby determines that 1% increase in the budget for said year, amounting to \$29,527.87 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.**

**NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Borough of Avon-By-The-Sea shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14 be increased by 3.5% amounting to \$103,347.55, and that the 2009 municipal budget for the Borough of Avon-By-The-Sea be approved and adopted in accordance with this ordinance; and**

**BE IT FURTHER RESOLVED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and**

**BE IT FURTHER RESOLVED, that a certified copy of this ordinance as introduced by filed with the Director of the Division of Local Government Services within 5 days of introduction; and**

**BE IT FURTHER RESOLVED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.**

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units, and**

**WHEREAS, the County of Monmouth has authorized the creation of the Monmouth County Commodity Resale System, and**

**WHEREAS, it would be in the best interest of the Borough of Avon-By-The-Sea to become a member of the Monmouth County Commodity Resale System.**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Avon-By-The-Sea that the Mayor and Borough Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

**BE IT FURTHER RESOLVED**, that the Borough Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to the Clerk of the Board of Chosen Freeholders, County of Monmouth, Hall of Records, 1 East Main St., Freehold, NJ, 07728.

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS**, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1, et. seq.) authorizes local units such as the Borough of Avon-By-The-Sea to enter into shared service agreements with other local units, and

**WHEREAS**, the County of Monmouth, a local unit, has offered to provide municipal assistance/shared services to the Borough of Avon-By-The-Sea, and

**WHEREAS**, it is in the best interest of the Borough of Avon-By-The-Sea to enter into the proposed Municipal Assistance/Shared Services Agreement with the County of Monmouth.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Avon-By-The-Sea that the Mayor and Borough Clerk be and they are hereby authorized to execute the attached Municipal Assistance/Shared Services Agreement with the County of Monmouth.

**BE IT FURTHER RESOLVED**, that the Borough Clerk forward a certified copy of this resolution, along with the executed Municipal Assistance/Shared Services Agreement to the Clerk of the Board of Chosen Freeholders, County of Monmouth, Hall of Records, 1 East Main St., Freehold, NJ, 07728.

**The Vote:**

**Aye: All**

**No: None**

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

<b>Kenneth Child</b>	<b>Emerg. Mgt. Coord.</b>	<b>3 year term</b>	<b>End 12/31/11</b>
<b>Steve Kegelmann</b>	<b>Asst. Emerg. Mgt. Coord.</b>	<b>3 year term</b>	<b>End 12/31/11</b>
<b>Carolyn Sharrock</b>	<b>Welfare Director</b>	<b>5 year term</b>	<b>End 12/31/13</b>

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION** offered by McGovern seconded by Mahon that the following Planning Board re-appointments be made:

Vincent Ernst	Class IV member	4 year term	End 12/31/12
John O'Malley	Class IV member	4 year term	End 12/31/12
Marilyn Placitella	Class IV member	4 year term	End 12/31/12

**The Vote:**

**Aye: All**

**No: None**

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

Calvin Talmage	Alternate #1	2 year term	End 12/31/10
Marie Kenny	Alternate #2	2 year term	End 12/31/10
Sandra McLaughlin	Alternate #3	1 year term	End 12/31/09

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by McGovern that the Board of Commissioners hereby authorize the cancellation of two water/sewer units from 226 Sylvania Avenue, Block 19 Lot 11. The house has been converted from a three-family to a single family.**

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS, intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families;**

**WHEREAS, public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities;**

**WHEREAS, people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us;**

**WHEREAS, the month of March has been designated Arc Awareness Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives;**

**WHEREAS, The Arc of Monmouth serves over 1200 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families;**

**WHEREAS, The Arc of Monmouth is celebrating 60 years of service to families and individuals throughout Monmouth County;**

**NOW, THEREFORE, BE IT RESOLVED, that Robert Mahon, Mayor of the Borough of Avon-By-The-Sea does hereby proclaim March, 2009 as**

**ARC AWARENESS MONTH**

**in the Borough of Avon-By-The-Sea, New Jersey and urges that the citizens of Avon, New Jersey give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by McGovern seconded by Gorman that the bills in the amount of \$1,203,617.76 be approved for payment.**

**The Vote:**

**Aye: All (Mayor abstains from Police Dept. bills)**

**No: None**

**Department heads gave updates on their departments.**

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

**Dave Piazza, 404 Third Ave. – complained about the Borough’s snow removal methods. Always leaves a lot of snow in front of his house. The Mayor said he will look into the matter.**

**Gene McDonald – saw an article in the paper about Belmar talking about regionalization of local Police Depts. Asked if we are considering anything. The Mayor said about a year ago we had a meeting with Neptune City where we discussed sharing dispatching services. We looked into it, didn’t move forward with it. We will look into something like that again. We were not invited to the meeting with Belmar. Eventually, towns like ours will see more & more of that because the squeeze is on, money isn’t there. Not just with Police but with other services, too. What I’ve found in the years I’ve lived here – people in this town don’t want to do it. At the final hours there is always a large group of people who oppose those kinds of regionalized services. People may begin to look at things differently with the way the economy is now.**

**Someone raised the issue that people are not cleaning up after their dogs. Maybe the ordinance could be put in the newsletter and people could report it when they see it happening. Chief Mahon said that people can call the police dept. and an officer can be sent to speak to the people.**

**Marie Kenny – 1) asked about the ordinance appointing a zoning officer. Do we not currently have one? Mayor said that we do but it was brought to their attention that some of these positions require approval. We have never done it, so we are really legitimizing the position. 2) has anything been started on the budget yet? Mayor said that Tim has met with the department supervisors. It is being sent off to the auditor and when he returns it, meetings will be set up.**

**Motion by McGovern seconded by Gorman 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**