

**REGULAR MEETING – JUNE 8, 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 Gorman that the minutes of the meeting of May 11, 2009 be approved as written.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by McGovern seconded by Gorman that the minutes of the special meeting of May 19, 2009 be approved as written.**

**The Vote:**

**Aye: All**

**No: None**

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

**The Vote:**

**Aye: All (Mayor absent)**

**No: None**

**Mayor announces that this is the time advertised for second reading and hearing on Bond Ordinance No. 8-2009 entitled:**

**“ BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY BY THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH COUNTY, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$810,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$810,000 OF BOND ANTICIPATION NOTES OF THE BOROUGH TO FINANCE THE PURCHASE AND ASSOCIATED ADMINISTRATIVE COSTS. ”**

**BE IT ORDAINED by the Board of Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:**

**Section 1. The acquisition of property described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Avon-By-The-Sea (the “Borough”), Monmouth County, New Jersey. For the purpose described in Section 3, there is hereby appropriated the sum of**

**\$810,000 including \$790,000 in grants to be received from the Monmouth County Conservation Association, Monmouth County Open Space and Green Acres Funding, collectively the “grants”. Pursuant to N.J.S.A. 40A:2-11(c) no down payment is required for such appropriation and purpose, as same is being funded by a state grant.**

**Section 2. In order to finance the cost of the acquisition of property, negotiable bond anticipation notes of the Borough in the amount of \$810,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.**

**Section 3. The acquisition of property and the associated costs are hereby authorized and the maximum amount of notes to be issued and the period of usefulness are as follows:**

<b><u>Purpose</u></b>	<b><u>Appropriation And Estimated Cost</u></b>	<b><u>Maximum Amount of Notes</u></b>	<b><u>Estimated Period of Usefulness</u></b>
<b>a) Purchase of Block 43.02, Lot 1 &amp; 1.01</b>	<b>\$810,000</b>	<b>\$810,000</b>	<b>40 years</b>
<b>Totals:</b>	<b>\$810,000</b>	<b>\$810,000</b>	

**Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to the ordinance, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A.40A:2-8.1(3)(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.**

**Section 5. The capital budget of the Borough of Avon-By-The-Sea is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.**

**Section 6. The following additional matters are hereby determined, declared, recited and stated:**

**(a) The purpose described in section 3 of this bond ordinance is not current expenses. They are all purposes that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited hereby.**

**(b) The average period of usefulness, and the reasonable life thereof within the limitations of the Local Bond Law, is 40 years.**

**(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$810,000, and the obligations authorized herein will be within all debt limitations prescribed by that law.**

**(d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.**

**Section 7. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or any other party make a contribution or grant in aid to the Borough, including the Grants, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the notes authorized in Section 2 hereof, then the amount of such notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or any other party. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or any other party, including the Grants, shall be received by the Borough after the issuance of the notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the notes so issued and shall be used for no other purpose.**

**Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.**

**Section 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any notes authorized by this bond ordinance with the proceeds of such notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of notes authorized herein in accordance with the Internal Revenue Code of 1986, as amended.**

**Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.**

**Would anyone like to be heard on the above ordinance? No one.**

**Motion by McGovern seconded by Gorman that the above Bond Ordinance No. 8-2009 be approved on second reading and its passage published in a newspaper as required by law.**

**The Vote:**

**Aye: All**

**No: None**

Mayor announces that this is the time advertised for second reading and hearing on Bond Ordinance No. 9-2009 entitled:

**“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL BEACH IMPROVEMENTS OF THE BOROUGH OF AVON-BY-THE-SEA, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$75,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$71,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”**

**BE IT ORDAINED** by the Board of Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

**Section 1.** The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Avon-By-The-Sea, New Jersey as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$75,000, including the aggregate sum of \$3,750 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by the virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$71,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Boardwalk Lights	\$ 25,000	\$23,750	10 years
b) Boardwalk Receptacles	\$ 15,000	\$ 14,250	5 years
c) Lifeguard Equipment	\$ 11,000	\$ 10,450	5 years
d) Beach Emerg. Vehicle	\$ 24,000	\$ 22,800	10 years
<b>Totals:</b>	<b>\$ 75,000</b>	<b>\$ 71,250</b>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

**Section 4.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to the ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A.40A:2-8.1(3)(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

**Section 5.** The capital budget of the Borough of Avon-By-The-Sea is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 6.** The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited hereby.
- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.25 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$71,250, and the obligations authorized herein will be within all debt limitations prescribed by that law.
- (d) An aggregate amount not exceeding \$3,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

**Section 7.** Any grant monies received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the

improvements or to payment of the obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Section 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Section 9.** This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Would anyone like to be heard on the above ordinance? No one.

Motion by McGovern seconded by Gorman that the above Bond Ordinance No. 9-2009 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Bond Ordinance No. 10-2009 entitled:

**“ BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL WATER IMPROVEMENTS OF THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH COUNTY, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$218,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$207,100 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”**

**BE IT ORDAINED** by the Board of Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

**Section 1.** The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Avon-By-The-Sea, New Jersey as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$218,000, including the aggregate sum of \$10,900 as the down payment for the improvements or purposes required by the Local Bond Law. The down payments have been made available by the virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$207,100 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation And Estimated Cost</u>	<u>Maximum Amount of Bonds or Notes</u>	<u>Estimated Period of Usefulness</u>
a) Clean & Inspect. of Sanitary Sewer	\$ 8,000	\$ 7,600	10 years
b) Bldg. Renovations	\$ 10,000	\$ 9,500	10 years
c) Water Main Cleaning	\$200,000	\$190,000	10 years
Totals:	\$218,000	\$207,100	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose, and/or grant monies already approved and receivable.

**Section 4.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to the ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A.40A:2-8.1(3)(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

**Section 5.** The capital budget of the Borough of Avon-By-The-Sea is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 6.** The following additional matters are hereby determined, declared, recited and stated:

(e) The improvement or purpose described in section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of

the costs thereof has been or shall be specially assessed on property specially benefited hereby.

- (f) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.
- (g) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$207,100, and the obligations authorized herein will be within all debt limitations prescribed by that law.
- (h) An aggregate amount not exceeding \$30,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

**Section 7.** Any grant monies received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Section 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Section 9.** This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Would anyone like to be heard on the above ordinance? No one.

Motion by Gorman seconded by McGovern that the above Bond Ordinance No. 10-2009 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Bond Ordinance No. 11-2009 entitled:

**“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS OF THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$135,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$128,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”**

**BE IT ORDAINED** by the Board of Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

**Section 1.** The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Avon-By-The-Sea, New Jersey as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$135,000, and further including the aggregate sum of \$6,750 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by the virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$128,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation And Estimated Cost</u>	<u>Maximum Amount of Bonds or Notes</u>	<u>Estimated Period of Usefulness</u>
a) DPW Remediation	\$ 20,000	\$19,000	5 years
b) Public Bldg. Renovations	\$ 65,000	\$ 61,750	10 years
c) Various Fire Equip.	\$ 5,000	\$4,750	5 years
d) Various Police Equip.	\$10,000	\$ 9,500	5 years
e) Emergency Pagers	\$ 5,000	\$ 4,750	5 years
f) Fire Dept. Command	\$30,000	\$28,500	10 years
<b>Totals:</b>		<b>\$135,000</b>	
<b>\$128,250</b>			

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose, and/or grant monies already approved and receivable.

**Section 4.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to the ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence

as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A.40A:2-8.1(3)(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

**Section 5.** The capital budget of the Borough of Avon-By-The-Sea is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 6.** The following additional matters are hereby determined, declared, recited and stated:

- (i) The improvement or purpose described in section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited hereby.
- (j) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.5 years.
- (k) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$128,250, and the obligations authorized herein will be within all debt limitations prescribed by that law.
- (l) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

**Section 7.** Any grant monies received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements, or if other then the grants referred to in Section 1 hereof, to payment of the obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Section 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.**

**Would anyone like to be heard on the above ordinance? No one.**

**Motion by Gorman seconded by McGovern that the above Bond Ordinance No. 11-2009 be approved on second reading and its passage published in a newspaper as required by law.**

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and**

**WHEREAS, the Annual Report of Audit for the year 2008 as been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and**

**WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and**

**WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:**

**GENERAL COMMENTS  
RECOMMENDATIONS**

**and**

**WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:**

**GENERAL COMMENTS  
RECOMMENDATIONS**

**as evidence by the group affidavit form of the governing body, and**

**WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and**

**WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and**

**WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provision of R.S. 52:27BB-52 - to wit:**

**R.S. 52:27BB-52 - “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”**

**NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Avon-By-The-Sea hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.**

**The Vote:**

**Aye: \_\_\_**

**No: \_\_\_**

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

**BE IT RESOLVED that the Board of Commissioners do hereby grant a renewal of the Plenary Retail Distribution License No. 1305-44-002-003 to CHARLES A. CASAGRANDE, Jr. T/A CASAGRANDE MARKET at the fee of \$1,425.00. Said license effective July 1, 2009.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by Gorman seconded by McGovern that the bills in the amount of \$256,761.73 be approved for payment.**

**The Vote:**

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

**No: None**

**RESOLUTION offered by all seconded by all that,**

**WHEREAS, Joe Finn was born April 24, 1942 to Irish immigrants Catherine and John Finn, and**

**WHEREAS, Joe started playing his music in the 1960's performing at such places as the Norwood Inn and Jimmy Byrne's Sea Girt Inn, and**

**WHEREAS, Joe and his family have lived in Avon-By-The-Sea since 1972, and**

**WHEREAS, Joe was the lector, music director and performer at St. Elizabeth's 9:00 a.m. summer mass, and**

**WHEREAS, Joe played to throngs of happy listeners and fans on the Avon Boardwalk every Wednesday night throughout the summer, and**

**WHEREAS, Joe was famous for greeting his audience with “Hello, Folks”, and they would reply back “Hello, Joe”,**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Avon-By-The-Sea in recognition of the pride, love and fond memories that the citizens of this great Borough have for their own balladeer, that the boardwalk area around the pavilion is hereby named “Joe Finn Way” as Joe always did it “his way”.

**The Vote:**

**Aye: All**

**No: None**

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

**The department heads gave a brief report on their departments.**

**Linda Henderson complained that the noise ordinance did not include a cut off time for landscaping equipment. The Commissioners said they would take a look at it.**

**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**