

REGULAR MEETING – MARCH 8, 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 Gorman that the minutes of the meeting of February 22, 2010 be approved as written.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 1-2010 entitled:

“ AN ORDINANCE TO ADD A NEW CHAPTER 162, ENTITLED “PERMITTED PARKING” OF THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH COUNTY, NEW JERSEY. ”

162.1. Purpose.

This Chapter 162 is adopted for the purpose of providing a suitable location in the Borough for the parking of certain commercial vehicles by Borough residents and promoting the orderly and safe parking of those motor vehicles at the municipal parking lot located on Railroad Avenue owned by the Borough.

162.2. Applicability of provisions.

The provisions, rules and regulations of this Chapter 162 apply to the property identified as being the parking lot situated on Railroad Avenue between Garfield Avenue and Berry Place, hereafter referred to as the "Municipal Parking Lot."

162.3. Definitions.

As used in this Chapter 162, the following terms shall have the following meanings:

COMMERCIAL VEHICLE

Any commercially registered vehicle, busses, bulldozers, tractors, cement mixers, dump trucks, boats and boat trailers, campers, vehicles with commercial advertising, and landscaping equipment or construction trailers.

162.4. Municipal Parking Lot parking regulation.

a. Parking in the Municipal Parking Lot shall be permitted only as set forth herein.

b. "Permit Only Parking" in designated areas and spaces.

1. The Borough shall designate a specific area or areas in the Municipal Parking Lot as "Permit Parking Only," which areas shall be marked by signs indicating that parking will be by permit only and that vehicles must bear the required permit; such signs may state "Parking For Vehicles With Permits Only."

2. The parking, including overnight parking, of commercial vehicles, as defined herein, is permitted only in specifically designated "Permit Parking Only" areas within designated spaces, subject to the further regulations set forth herein.

3. Commercial vehicles which meet any of the following criteria shall not be eligible for issuance of a permit and the parking of such vehicles in the Municipal Parking Lot is prohibited:

(a) Vehicles having more than two axles.

(b) Vehicles more than 84 inches in width or 25 feet in length.

(c) Vehicles having equipment or materials extending beyond the body of the vehicle increasing the overall vehicle and materials/equipment length to more than 25 feet.

(d) Vehicles used in the transport of chemicals, petroleum products, or hazardous waste.

4. The parking of unattached trailers of any kind is prohibited. The parking of boat, snowmobile, ATV or other recreational trailers is prohibited. The parking of trailers directly associated with the use of the permitted commercial or oversized vehicle is permitted only while attached to the permitted vehicle, subject to all other regulations herein.

c. Permit required.

1. No vehicle shall be parked in any designated "Permit Only Parking" area unless it displays a current and valid permit decal issued by the Borough of Avon-By-The-Sea as herein provided.

2. A vehicle displaying a valid permit decal shall be permitted to park in a designated space for a maximum of 72 consecutive hours after which it must be removed from the designated area for a period not less than four hours, unless otherwise approved by the Chief of Police or his designee.

3. All vehicles must be parked with the front of the vehicle facing the control sign which designates the parking space therefor and shall have the permit decal permanently affixed to the rear bumper of the vehicle, plainly visible from the parking lot.

d. Non-permit parking only areas of Municipal Parking Lot. The overnight parking of commercial vehicles in all areas in the Municipal Parking Lot not designated as "Permit Parking Only" shall be prohibited.

162.5. Permits.

The application and issuance of permits shall be in accordance with the following provisions:

a. Parking permits shall be issued by the Borough Clerk during the regular hours which his or her office is open. Each applicant must provide the Borough Clerk with a copy of a current and valid New Jersey driver's license showing the name and address of the applicant as a resident of the Borough of Avon-by-the-Sea, along with the current and valid New Jersey motor vehicle registration certificate for the vehicle sought to be permitted, demonstrating that the vehicle is qualified for such permit and that the vehicle is registered in the name of and at the same address as the applicant who is a resident of the Borough of Avon by the Sea and a valid current State of New Jersey Automobile Insurance Identification Card.

b. The Borough Clerk shall issue no more permits than the number of designated permit only parking spaces provided. Permits shall be issued to residents of the Borough of Avon-by-the-Sea on a first-come-first-served basis until the maximum number shall have been issued, after which no further permits shall be issued. The Borough Clerk shall maintain a waiting list of residents who request but are not issued permits to be utilized in reissuing permits upon the revocation, forfeiture, surrender or nonrenewal of any existing permit.

c. Permits shall be issued to residents only and no more than two permits shall be issued for each property as designated by the Tax Map of the Borough of Avon-By-The-Sea.

d. Permits shall be valid from January 1 through 12:00 midnight on December 31 of the year in which issued.

e. The Borough Clerk shall make and keep a record of all permits issued, including therein the number of the permit, the date of issuance, the name and address of the person to whom issued, the license plate number(s) and the make, model and color of the motor vehicle(s) for which each permit is issued. Permits are not transferable from resident to resident.

f. The applicant shall be responsible to apply for renewal of any validly issued permit prior to the expiration of said permit, and in connection therewith shall provide the same information, documentation and fees as required for initial issuance.

g. In the event that a validly issued permit is not renewed, or is otherwise revoked, forfeited or surrendered, the Borough Clerk shall utilize the waiting list to notify the first and successive eligible applicants until such permit is reissued.

162.6. Additional Regulations by Resolution of Council.

Further rules and regulations pertaining to such parking areas and to parking of motor vehicles therein may be made from time to time by resolution of the Borough Board of Commissioners.

162.7. Disabled or Disassembled Vehicles.

No person shall park or place any disabled or disassembled vehicle in any such parking area, nor undertake repairs or allow such vehicle to be in a state of disassembly in such parking area without the express permission of the Borough Police, which permission shall be limited in duration to the reasonable amount of time to have the disabled vehicle removed or repaired. In no instance shall such permission exceed 24 hours.

162.8. Violations and Penalties.

a. In the case of a violation of any provision of this section, the person so parking and the owner of the vehicle shall, upon conviction thereof, be liable to the penalty provided by Chapter I, Section 1-15.

b. Any vehicle parked in a parking area in violation of this Chapter 162 may be removed from the parking area upon order of any police officer, and the owner thereof shall pay the reasonable cost of such removal and storage which may result from such removal before being allowed to regain possession of the vehicle, and such costs of removal and storage shall be in addition to any penalty or fine hereinbefore provided.

162.9. Nonapplicability.

This Chapter 162 shall not apply to any municipal vehicles registered to the Borough of Avon-by-the-Sea or to any vehicles engaged in police work or emergency services.

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

Motion by Gorman seconded by McGovern that the above Ordinance No. 1-2010 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,

ORDINANCE NO. 2-2010 entitled:

“ AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 113, LAND DEVELOPMENT, OF THE
CODE OF THE BOROUGH OF AVON-BY-THE-SEA,
MONMOUTH COUNTY, NEW JERSEY. ”

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Mahon seconded by McGovern that the above Ordinance No. 2-2010 be taken up on second reading with a hearing on March 22, 2010 at 7:30 p.m. in the Municipal Building.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorize the refund of the overpayment of 2010 property tax payments to the following:

Block 6, Lot 3 BAC Tax Services 237 Lakeside Ave. \$246.91

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby authorize the hiring of James L. Plosia, Esq., as special labor counsel to represent the Borough of Avon-by-the-Sea relative to the Interest Arbitration between PBA Local 50 and the Borough of Avon-by-the-Sea at a rate of \$165.00 per hour.

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 1700 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 61 years of service to families and individuals throughout Monmouth County;

THEREFORE, BE IT RESOLVED, that Robert Mahon, Mayor of the Borough of Avon-By-The-Sea does hereby proclaim March, 2010 as

ARC AWARENESS MONTH

In the Borough of Avon, 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

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, the Hazardous Discharge Site Remediation Fund (HDSRF) was established to provide financial assistance to municipalities, businesses and homeowners for investigation and/or remediation of suspected or known discharge of a hazardous substance; and

WHEREAS, municipalities performing a voluntary remediation, conducting remediation using an innovative technology, conducting a remediation resulting in limited or unrestricted use determination, or meeting the innocent party criteria may apply for available grant funding from HDSRF; and

WHEREAS, municipal grants are available to conduct environmental assessments and investigations for real property in cases in which a municipality passes a resolution to acquire the property by voluntary conveyances for the purposes of redevelopment and;

WHEREAS, the Borough of Avon-By-The-Sea has acquired the property at 2 Main Street in Avon-By-The-Sea ("Property") by voluntary conveyance for the purposes of redevelopment and it has been determined that there has been, or it suspects that there has been, a discharge of hazardous substances or hazardous waste on the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea, County of Monmouth, State of New Jersey that the Borough is committed to the redevelopment of the site and finds that a realistic opportunity exists for the acquisition and redevelopment of the Property within a three (3) year period from and after completion of the remediation of the Property through a planned redevelopment project and in furtherance of this project, it authorizes the submission of an HDSRF application to NJ DEP for the maximum amount of funds available to the Borough of Avon-By-The-Sea to conduct environmental assessments and investigations at and of the site.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by McGovern that the bills in the amount of \$107,254.04 be approved for payment.

The Vote:

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

No: None

Mayor asks if anyone would like to be heard?

Jeff Bramhall, DPW Supt. – getting beach up & ready-putting sand back. Going to get back to trimming trees.

Charlie Rooney, Engineer – Norwood Ave. from 3rd to Ocean have submitted paperwork to state. Looking at trying to get McKinley Pl. as an add-on to this project. Water main pigging contractor scheduled to come to town this month. Library wall – sent letter to contractor outlining deficiencies. Mr. Cooke is going to generate a letter to the bond company.

Rich Monaghan, 414 Woodland Ave. – complimented D.P.W. for doing a good job during snow storms. Also, mentioned that speeding around town still a problem. Comm. Gorman will speak to Chief.

Motion by McGovern seconded by Gorman 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**