

**REGULAR MEETING – JANUARY 10, 2011 – 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 December 13, 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. 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.”**

**93-4. Licensing and Registration Tag Fees.**

**The person applying for the license and registration tag shall pay the sum of one dollar (\$1.00) for the registration tag; twenty cents (\$.20) for the Pilot Clinic Fund and a license fee of twelve dollars (\$12.00) for each dog. There will be a three dollar (\$3.00) additional surcharge on all licenses issued for non-spayed and non-neutered dogs. Owners presenting a certificate signed by a licensed veterinarian or a notarized statement signed personally certifying that their dog has been sterilized are exempt from the three dollar (\$3.00) surcharge.**

**All other terms and conditions of this ordinance shall remain the same.**

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

**Motion by McGovern seconded by Mahon that the above Ordinance No. 18-2010 be approved on second reading and its passage published in a newspaper as required by law.**

**The Vote:**

**Aye: Commissioner McGovern, Mayor Mahon**

**No: Commissioner Gorman**

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

**WHEREAS, R.S. 40A:4-19 of the Local Budget Law provides that while any contracts, commitments or payments are to be made prior to the adoption of the 2011 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and**

**WHEREAS, 26.25% of the total appropriations in the year 2010 budget, exclusive of any appropriation in the 2010 capital improvements and debt service, is \$262,820.62 in the Beach Utility Budget, \$331,826.20 in the Water Utility Budget and \$996,986.39 in the Current Budget for a total of \$1,591,633.21.**

**NOW, THEREFORE, BE IT RESOLVED that the temporary appropriations are made and that a certified copy of this resolution be transmitted to the Chief Financial Officer.**

**The Vote:**

**Aye: All**

**No: None**

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

**BE IT RESOLVED that upon the recommendation of the Borough of Avon-By-The-Sea Tax Collector:**

- 1. There shall be a ten (10) day grace period on the quarterly taxes, after which unpaid taxes will be charged interest back to the due date.**
- 2. Interest shall be charged and calculated at the rate of eight (8)% per annum on the first \$1,500.00 of the delinquency, and eighteen (18)% per annum on any amount in excess of \$1,500.00 calculated from the date the tax was payable until the actual payment is received until all of the delinquencies on a property are brought to a current status.**
- 3. There shall be a six (6)% penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year. Delinquency is defined to mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters.**
- 4. Redemption fees for Tax Sale Certificates are as follows:  
Two (2)% on certificates \$200.00 to \$4,999.99  
Four (4)% on certificates \$5,000.00 to \$9,999.99  
Six (6)% on certificates over \$10,000.00**
- 5. A service charge of \$20.00 will be charged for each returned check, used to make any payment to the Borough of Avon-By-The-Sea, for any reason specified by a financial institution.**
- 6. A fee of \$5.00 will be charged for the first duplicate copy of the tax bill requested by a mortgage servicing organization and a fee of \$25.00 will be charged to each subsequent duplicate copy of the same bill in the same tax year.**
- 7. All tax sale certificate redemption amounts shall be obtained from the Tax Collector. In addition, a \$25.00 fee will be charged for each additional request for a redemption.**
- 8. There shall be a fee of \$100.00 for the issuance of a duplicate tax sale certificate.**

**The Vote:**

**Aye: All**

**No: None**

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

**BE IT RESOLVED** by the Board of Commissioners that the Official Depositories for the Borough of Avon-By-The-Sea bank accounts for 2011 will be Chase Bank, PNC Bank, Central Jersey Bank, Investor's Savings Bank, Ocean First Bank and Bank of America as well as any other bank that offers a higher percentage rate on investments that the Chief Financial Officer may obtain.

**The Vote:**

**Aye: All**

**No: None**

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

**BE IT RESOLVED** by the Board of Commissioners that the official newspapers used by the Borough of Avon-By-The-Sea for the year 2011 will be the Asbury Park Press, The Coast Star, and The Coaster.

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS**, the Open Public Meetings Act (CH 231, P.L. 1975) became effective on January 19, 1976, and

**WHEREAS**, in accordance with said act, it is necessary for the Borough of Avon-By-The-Sea, as a public body, to post and maintain a schedule of the regular meetings of the public body to be held during the succeeding year.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners that the Municipal Clerk is hereby authorized to do the following:

- 1. Post the schedule of meetings on the bulletin board in Borough Hall, which sets the time, date and location of all regular and workshop meetings. The public as always will be allowed to participate in the regular meetings and a portion of the workshop meetings will be set aside for public comment. Action will only be taken at the regular meetings unless otherwise advertised in advanced.**
- 2. Mail a copy of this resolution and schedule to the official Borough newspapers.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by McGovern seconded by Gorman that the following resolutions regarding contracts for the Public Works Supervisor, Water Dept. Supervisor, Chief of Police, Borough Clerk, Deputy Clerk, Tax Collector, Admin. Asst. and Court Adm. be tabled for discussion at a later date.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by \_\_\_\_\_ seconded by \_\_\_\_\_ that the Board of Commissioners are hereby authorized to sign a contract between the Borough of Avon-By-The-Sea and the Public Works Supervisor. Said contract effective January 1, 2011 through December 31, 2012.**

**The Vote:**

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

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

**RESOLUTION offered by \_\_\_\_\_ seconded by \_\_\_\_\_ that the Board of Commissioners are hereby authorized to sign a contract between the Borough of Avon-By-The-Sea and the Water Dept. Supervisor. Said contract effective January 1, 2011 through December 31, 2012.**

**The Vote:**

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

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

**RESOLUTION offered by \_\_\_\_\_ seconded by \_\_\_\_\_ that the Board of Commissioners are hereby authorized to sign a contract between the Borough of Avon-By-The-Sea and the Chief of Police. Said contract effective January 1, 2011 through December 31, 2012.**

**The Vote:**

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

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

**RESOLUTION offered by \_\_\_\_\_ seconded by \_\_\_\_\_ that the Board of Commissioners are hereby authorized to sign a contract between the Borough of Avon-By-The-Sea and the Borough Clerk. Said contract effective January 1, 2011 through December 31, 2012.**

**The Vote:**

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

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

**RESOLUTION offered by \_\_\_\_\_ seconded by \_\_\_\_\_ that the Board of Commissioners are hereby authorized to sign a contract between the Borough of Avon-By-The-Sea and the Deputy Borough Clerk, Tax Collector/Utilities Collector and Administrative Assistant. Said contract effective January 1, 2011 through December 31, 2012.**

**The Vote:**

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

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

**RESOLUTION offered by \_\_\_\_\_ seconded by \_\_\_\_\_ that the Board of Commissioners are hereby authorized to sign a contract between the Borough of Avon-By-The-Sea and the Court Administrator Said contract effective January 1, 2011 through December 31, 2012.**

**The Vote:**

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

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

**RESOLUTION offered by McGovern seconded by Gorman that Timothy M. Gallagher is hereby appointed as the Community Development Representative for 2011. Barbara Suchecki is appointed as the Alternate.**

**The Vote:**

**Aye: All**

**No: None**

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

<b>Michele Darling</b>	<b>Deputy Borough Clerk</b>	<b>1 year term</b>	<b>End 12/31/11</b>
<b>Jeff Bramhall</b>	<b>Recycling Coordinator</b>	<b>1 year term</b>	<b>End 12/31/11</b>
<b>Douglas Carter</b>	<b>Recreation Director</b>	<b>1 year term</b>	<b>End 12/31/11</b>

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by McGovern seconded by Gorman that the Board of Commissioners hereby appoint Benjamin Choi as Municipal Prosecutor for the year 2011. This appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and is, therefore, exempt under N.J.S.A. 40A:11-5.**

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Engineer and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and**

**WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and**

**WHEREAS, the anticipated term of this contract is one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and**

**WHEREAS, Charles J. Rooney has submitted and/or will submit a proposal indicating he will provide engineering services for no more than \$130.00 per hour; and**

**WHEREAS, Charles J. Rooney has completed and submitted a Business Entity Disclosure Certification which certifies that Charles J. Rooney has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit Charles J. Rooney from making any reportable contributions through the term of the contract, and**

**WHEREAS, funds will be provided for in the 2011 Municipal Budget,**

**WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.**

**NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Charles J. Rooney as described herein;**

**BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.**

**BE IT FURTHER RESOLVED** that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS**, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Attorney and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and

**WHEREAS**, Barry A. Cooke has submitted and/or will submit a proposal indicating he will provide legal services for \$130.00 per hour; and

**WHEREAS**, Barry A. Cooke has completed and submitted a Business Entity Disclosure Certification which certifies that Barry A. Cooke has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit Barry A. Cooke from making any reportable contributions through the term of the contract, and

**WHEREAS**, funds will be provided for in the 2011 Municipal Budget,

**WHEREAS**, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Barry A. Cooke as described herein;

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**BE IT FURTHER RESOLVED** that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS**, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Auditor and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

**WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and**

**WHEREAS, the anticipated term of this contract is one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and**

**WHEREAS, Robert A. Hulsart has submitted and/or will submit a proposal indicating they will provide the municipal auditing for \$26,000.00; and**

**WHEREAS, Robert A. Hulsart has completed and submitted a Business Entity Disclosure Certification which certifies that Robert A. Hulsart has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit the Robert A. Hulsart from making any reportable contributions through the term of the contract, and**

**WHEREAS, funds will be provided for in the 2011 Municipal Budget,**

**WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.**

**NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Robert A. Hulsart as described herein;**

**BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.**

**BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.**

**The Vote:**

**Aye: All**

**No: None**

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

**WHEREAS, the Borough of Avon-By-The-Sea and the Borough of Neptune City desire an Interlocal Agreement for Municipal Court Services, and**

**WHEREAS, both Municipalities are desirous of continuing this agreement for a period of three years commencing January 1, 2011 and ending December 31, 2013, and**

**WHEREAS, N.J.S.A. 40:8A-1 et seq. permits entering into an Interlocal Agreement,**

**NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Avon-By-The-Sea hereby enter into an Interlocal Agreement with the Borough of Neptune City under the provisions of the attached agreement, and**

**BE IT FURTHER RESOLVED**, that the Board of Commissioners authorize the Municipal Clerk/Administrator to sign the agreement on behalf of the Borough.

**The Vote:**

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

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

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

**WHEREAS**, there are unexpended balances of appropriations which are not needed, and other appropriations which will be deficient,

**NOW, THEREFORE, BE IT RESOLVED** that the following 2010 appropriation transfers be authorized:

<b>FROM: Beach Landfill</b>	<b>1,100.00</b>
<b>TO: Diesel Fuel</b>	<b>1,100.00</b>

<b>FROM: Elections O.E.</b>	<b>1,250.00</b>
<b>Reg. of Bonds O.E.</b>	<b>500.00</b>
<b>Municipal Dues O.E.</b>	<b>650.00</b>
<b>Sylvan Lake O.E.</b>	<b>1,000.00</b>
<b>Environmental O.E.</b>	<b>425.00</b>
<b>TO: Street Lighting</b>	<b>3,825.00</b>

<b>FROM: Public Buildings Heating</b>	<b>1,600.00</b>
<b>TO: Public Buildings O.E.</b>	<b>1,600.00</b>

**The Vote:**

**Aye:** All

**No:** None

**Motion by Gorman seconded by McGovern** that the bills in the amount of \$328,187.36 be approved for payment.

**The Vote:**

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

**No:** None

**Supervisor's reports:**

**Doug Carter, Rec. Dir.** – fast into basketball season; Avon Pond doing well – over 300 users, 40 safety monitors. Working on problem with parking in the area of the pond. Rec. is working on summer program. Leisure program has 84 members to date.

**Sheila Watson, Librarian** – apologized for poor access to library during bad weather. Does do home deliveries. Will soon be able to download books free if you have an e-reader.

**Karl Klug, Water Supt.** – reminder to shut off water for winter if haven't already.

**Jeff Bramhall, D.P.W. Supt.** – more snow coming tomorrow-park on south & west sides. New equipment to plow sidewalks has broken down. It is ultimately the homeowners responsibility to clean sidewalks in front of their property.

**Barry Cooke, Borough Attorney – had 2 bid openings last week – for beach bathroom renov. & a beach mat.**

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

**Sue Morgan, 109 So. Station Ave. – read a statement against the skating rink: too large, neighbors had no notification, parking problems, cars stopping in middle of street, noise.**

**Commissioners said they will have the police keep a watch over there.**

**David Piazza, 404 Third Ave. – very irate-no snow removal, didn't see plows, moved cars, nobody came.**

**Comm. McGovern – thought D.P.W. did a great job! Guys worked 16 hrs. straight with 4 hrs. sleep. Our streets were passable but you couldn't get out of town anyway.**

**A resident from So. Station Ave. also complained about the ice rink.**

**Ed Bonano thinks rink is a great thing for the town.**

**Marie Kenny – thinks everyone did a great job under the circumstances but more info. could have been given through the reverse 9-1-1 system.**

**Ken Child, OEM Coord. & Jeff Bramhall – are working on creating better communications.**

**Comm. Gorman praised D.P.W., Fire Dept., 1<sup>st</sup> Aid Squad, Water Dept. for good job during blizzard.**

**Mickey from Barbershop – complained about bridge and how it's hurting businesses.**

**Ken Child said that the emergency notification is web-based and gave out the address to anyone who would like it.**

**Motion by Gorman seconded by McGovern 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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**Michele Darling, RMC  
Deputy Borough Clerk**