

REGULAR MEETING – JANUARY 31, 2017 - 7:30 P.M.

Pledge of Allegiance.

Roll Call: Commissioner Mahon, Commissioner Gorman, Mayor Magrini

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 direction 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 Mahon seconded by Magrini that the minutes of the meeting of January 9, 2017 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. 1-2017 entitled:

“AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, CHAPTER 121, “RIVERFRONT PARK & MARINA.”

121-1. PURPOSES

This section is adopted to regulate the use and operation of Avon-By-The-Sea Riverfront Park and Marina and the water adjoining it, and to set forth rules and regulations related thereto.

121-2. DEFINITIONS

For the purpose of this section:

Boat Season shall mean the commencing April 1st and terminating November 30th.

Borough Property shall mean that area of land and improvements thereon and floating docks and parking lot area.

Lease Holder shall mean the registered owner of a watercraft which has executed a written lease with the Borough of Avon-By-The-Sea for rental of a boat slip.

Watercraft shall mean any ship, boat, motorboat or other vehicle which is used on water for private non-commercial use.

Waterway shall mean that area of Shark River which is east of the Main Street (State Hwy 71) and within the boundary lines of the Borough.

121-1. LEASE REQUIRED

No person or legal entity other than leaseholders shall dock, anchor or moor a watercraft on any property owned by the Borough or waterways adjacent to the Marina.

The occupancy of the slip outside the boating season is prohibited and shall be subject to per diem charges and/or removal of watercraft at the leaseholder's expense.

Leases shall be assigned to leaseholder for a particular water craft. No other watercraft may occupy the assigned slip.

Leases shall not be assigned nor shall any leased slips or privileges be sublet or reassigned.

121-4. PROHIBITED ACTS

The following acts are prohibited:

1. Docking, anchoring or mooring watercraft without a signed lease.
2. Docking, anchoring or mooring unregistered watercraft.
3. Consumption of alcohol on Borough property.
4. Docking, anchoring or mooring watercraft from November 30th through March 31st.
5. Subletting or assignment of lease.
6. Disposal of bait or fish on Borough property.
7. Discharge of sanitary waste.
8. Littering or disposing of refuse on Borough property and adjacent waterway.
9. Entry upon dock other than leaseholders and guests.
10. Fishing or crabbing from the docket, piers or bulkhead.
11. Swimming in the waterway.
12. Use of portable water for other than watercraft maintenance and use without a flow regulating device.

121-5. REMOVAL OF UNAUTHORIZED BOATS

The Avon-by-the-Sea Police Department is authorized and directed to make all necessary arrangements for the removal of boats illegally docked, anchored or moored in municipal boat slips and/or the waterway. Members of the Police Department shall have the authority to board any boat abandoned, disabled, docked illegally or in violation of any provision of this ordinance. The Police Department is authorized to retain the services of a private boat hauler to remove the boat from a municipal slip and store the boat in an area to be designed by the Borough Administrator.

The owner of the boat shall be entitled to recover the seized watercraft subject to the payment of expenses incurred by the Borough in removing the boat from a Municipal boat slip and/or waterway.

121-6. OPERATION AND CONDUCT

All matters with respect to rules and regulations not determined by this chapter shall be determined by resolution of the Board of Commissioners of the Borough of Avon-by-the-Sea and have the same force and effect as if set forth herein.

121-7. LEASE FEE

Lease fees shall be established and modified by Resolution of the Board of Commissioners.

121-8. VIOLATIONS AND PENALTIES

Any person who violates any provision of this chapter shall, upon conviction thereof, be liable to the penalty provided by Chapter I, Section 1-15.

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

Motion by Magrini seconded by Mahon that the above Ordinance No. 1-2017 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 Gorman that the following rules and regulations for the Riverfront Municipal Marina be approved.

Pursuant to Ordinance 1-2017 and amendments thereto, the following acts in addition to those acts set forth in Ordinance 1-2017 and amendments thereto are prohibited:

*Occupying watercraft overnight.

*Docking, anchoring or mooring watercraft from December 1st through March 31st.

*Operating any motor or engine for longer than 15 minutes between 11:00 p.m. and 6:30 a.m.

*Permit any lighting with the exception of interior security lighting between 12:01 a.m. and 6:30 a.m.

*Cleaning of fish except in designated area.

*Disposal of bait or fish on Borough property or into waterway.

*Installation of dock boxes except in designated areas.

*Smoking of any cigarettes, cigars or other tobacco products except in designated area.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon setting the fee for the boat slips at the Avon Marina at \$125.00 per foot based upon the slip length or boat length whichever is greater.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that,

BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea formally approves the grant application with the New Jersey Department of Transportation for the improvements to portions of Washington Avenue, South Station Avenue, Woodland Avenue and Norwood Avenue;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners and Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2017 Avon-By-The-Sea 00503 to the New Jersey Department of Transportation on behalf of the Borough of Avon-By-The-Sea.

BE IT FURTHER RESOLVED that the Board of Commissioners and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Avon-By-The-Sea and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that the Mayor is hereby authorized to execute a Shared Services Agreement with the Borough of Bradley Beach for use of the Borough of Avon-By-The-Sea's garbage truck(s).

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that the Board of Commissioners hereby authorizes the refund of the overpayment of a 2016 property tax payment to the following:

Block 35 Lot 4 Amphitrite, LLC 35 Sylvania Ave. \$190.83

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that the following appointments be made to the Planning Board effective January 1, 2017:

Vincent Ernst	Class IV	4 years	End 12/31/20
Calvin Talmage	Class IV	4 years	End 12/31/20
Marie Kenny	Class IV	4 years	End 12/31/20
Francis McGovern	Alt. #2	2 years	End 12/31/18
Joseph Oldakowski	Alt. #3	2 years	End 12/31/18

The Vote:

Aye: All

No: None

Motion by Magrini seconded by Gorman that the bills in the amount of \$365,753.96 be approved for payment.

The Vote:

Aye: All

No: None

Mayor asks if anyone would like to be heard?

Commissioner Gorman asked the Board to reconsider extension of which military personnel to enter beach without paying beach fee. Discussion followed.

Motion by Mahon seconded by Magrini that being there is no further business, the meeting is adjourned.

The Vote:

Aye: All

No: None

John B. Magrini, Mayor

Robert Mahon, Commissioner

Francis E. Gorman, Commissioner

**Timothy M. Gallagher, RMC
Borough Clerk**