

REGULAR MEETING – FEBRUARY 8, 2016 – 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 27, 2016 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. 1-2016 entitled:

**“ AN ORDINANCE CREATING A NEW CHAPTER 121,
ENTITLED “RIVERFRONT PARK AND MARINA”
IN THE CODE OF THE BOROUGH OF AVON-BY-THE-
SEA TO ESTABLISH RULES AND REGULATIONS
GOVERNING THE USE AND OPERATION OF THE
AVON-BY-THE-SEA RIVERFRONT PARK AND 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:

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 lease term is for one (1) year with the option to renew for three (3) additional years.

All leases shall commence on April 1st and terminate on November 15th. (“Boating Season”). Annual lease fees shall be paid in full by March 1st.

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 watercraft. 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. Docking, anchoring or mooring a commercial, for hire, charter, head or party boat.
4. Consumption of alcohol on Borough property.
5. Docking, anchoring or mooring watercraft from November 16 through March 31.
6. Subletting or assignment of lease.
7. Occupying watercraft between 12:01 a.m. and 6:30 a.m.
8. Operating any motor, engine or generator between 11 p.m. and 6:30 a.m.
9. Permit any lighting with the exception interior security light between 12:01 a.m. and 6:30 a.m.
10. Cleaning of fish on watercraft or Borough property.
11. Disposal of bait or fish on Borough property.
12. Installation of dock boxes.
13. Discharge of sanitary waste.
14. Littering or disposing of refuse on Borough property and adjacent waterway.
15. Entry upon dock other than leaseholders and guests.
16. Fishing or crabbing from the docket, piers or bulkhead of Borough property.
17. Smoking of any cigarettes, cigars or other tobacco products.
18. Swimming in the waterway.
19. 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 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 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 Mahon seconded by Magrini that the above Ordinance No. 1-2016 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 Gorman seconded by Mahon that,

ORDINANCE NO. 2-2016 entitled:

“ AN ORDINANCE TO AMEND AND SUPPLEMENT THE GENERAL ORDINANCES OF THE BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 161, ENTITLED VEHICLES AND TRAFFIC BY ADDING SECTION 161-14.2 “INSTALLATION OF IN-STREET PEDESTRIAN CROSSING SIGNS AT THIRD AVENUE ON SYLVANIA AVENUE (CR 17)” AND AMENDING SECTION 161-31, SCHEDULE II: NO PARKING CERTAIN HOURS. ”

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Magrini seconded by Mahon that the above Ordinance No. 2-2016 be taken up on second reading with a hearing on February 22, 2016 at 7:30 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that Tracy Sorrentino is hereby appointed as the Deputy Municipal Court Administrator.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that Edward Kerwin is hereby appointed as Public Defender for a one year term at a rate of \$225.00 per session.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that the following people be appointed to the Avon Planning Board:

Steve Mazouat	Alternate #4	2 years	Exp. 12/31/17
John Magrini	Mayor/Class I	4 years	Exp. 12/31/19
Robert Mahon	Comm./Class III	4 years	Exp. 12/31/19
Jack Ryan	Class II	4 years	Exp. 12/31/19
Sandra McLaughlin	Alternate #1	2 years	Exp. 12/31/17

The Vote:

Aye: All

No: None

Motion by Magrini seconded by Gorman that the bills in the amount of \$1,302,455.61 be approved for payment.

The Vote:

Aye: All

No: None

Department Heads:

Terry Mahon, Police Chief – discussed beach issues; interviewing Class I officers; talked about snow removal warnings & tickets.

Karl Klug, Water Supt. – everything going smoothly.

Sheila Watson, Librarian – everything going well.

Charlie Rooney, Engineer – working on plans & specs for next round of sewer & land refurbishment.

Barry Cooke, Attorney – spoke on tax board issue and reassessment program. Also, have our 1st tax appeal tomorrow. Only 7 appeals this year, much less than other years.

Mayor asks if anyone would like to be heard?

Mayor listed some ideas that they heard during special meetings about beach issues:

Gate attendants – communication, teenagers vs. adults, supervision, training.

Extending beach hours on weekends.

Eating on beach & boardwalk, cooler sizes.

Tents.

Showers.

Changing in bathrooms, cars.

Bathroom attendants.

Signage.

Garbage & recycling collections.

Someone asked if you can limit # of badges sold – Commissioner Gorman said there is a town that did get a court ruling several years ago that they could do that based on public safety. He will get more info. on it.

Mayor said they will discuss above topics at next mtg.

Motion by Mahon seconded by Gorman 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**